

University of Montana

ScholarWorks at University of Montana

Graduate Student Theses, Dissertations, &
Professional Papers

Graduate School

2021

Non-Indian Reservations

Joshua Matthew Rosenau
University of Montana, Missoula

Follow this and additional works at: <https://scholarworks.umt.edu/etd>



Part of the [Epistemology Commons](#), [Indigenous, Indian, and Aboriginal Law Commons](#), [Legal History Commons](#), and the [Other American Studies Commons](#)

Let us know how access to this document benefits you.

Recommended Citation

Rosenau, Joshua M., "Non-Indian Reservations," University of Montana, 2021.

This Thesis is brought to you for free and open access by the Graduate School at ScholarWorks at University of Montana. It has been accepted for inclusion in Graduate Student Theses, Dissertations, & Professional Papers by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

NON-INDIAN RESERVATIONS

By

JOSHUA MATTHEW ROSENAU
BA, RUTGERS UNIVERSITY, New Jersey, 2012

Thesis presented in partial fulfillment of the requirements for the degree of:
Master of Arts
in Interdisciplinary Studies

The University of Montana
Missoula, MT

April, 2021

To Be Approved by:

Ashby Kinch, Associate Dean of The Graduate School

Robert Baker, Chair
Department of English

Richmond Clow,
Department of Native American Studies

Douglas MacDonald,
Department of Anthropology

© COPYRIGHT

by

Joshua Matthew Rosenau

2021

All Rights Reserved

Rosenau, Joshua, MIS, Spring 2021,

English, Anthropology and Native American Studies

Title

Chairperson: Robert Baker, English

ABSTRACT: This thesis is a skeptical treatment of the logical distinctions presumed to exist between “Indian” and “non-Indian” people. Despite representing 99 percent of the U.S. population, “non-Indians” represent a legal identity which has no explicit definition. The basis for the U.S. Supreme Court’s decisions regarding non-Indians and Indians rests not on any objective, empirical or logical criterion or proof, but rather on the “assumption of a ‘guardian-ward’ status. This thesis investigates this assumption, and recommends that we suspend judgment on whether the difference between “Indians” and “non-Indians” can be determined either by logical argument or by legal assumption.

Non-Indian Reservations

Preface	1
Part I: Problem Statement	8
Part 2: Method - The door is shut. The door is open.	20
Part 3: General dialectical treatment	30
Lines of societal division	31
Lines of geographic division	33
Lines of technological division	40
Lines of lexigraphic division	43
Lines of demographic division	49
Lines of normative division	51
Part 4: Specific dialectical treatment	55
Part V Conclusion - Freedom from disturbance - Identity without provable category	61
Postface	66
Works cited	77

Non-Indian Reservations

By Joshua Rosenau

*The first point which we must consider in reviewing essays that pretend to offer an objective point of view of Indian affairs is that there never has been an objective point of view regarding Indians and there never will be. Conflict between red and white has been the dominant characteristic of race relations for half a millennium and will continue to influence all efforts to bring about an interpretation of what the invasion of this continent has meant – to both Indians and non-Indians.*¹

- Vine Deloria Jr., “Comfortable fictions and the Struggle for Turf”

¹ Deloria, Vine, and James A. Clifton. 1992. “Comfortable Fictions and the Struggle for Turf.” *American Indian Quarterly* 16 (3): 397. <https://doi.org/10.2307/1185800>.

Preface

When I began the course of study that led to the creation of this thesis, the result I imagined was something quite different from the one I ultimately chose to develop. Recognizing this, I owe an explanation to the members of my graduate committee and to other readers who may be puzzled by what may appear to be a significant departure from my original thesis proposal. In September 2017, I submitted this to the committee:

The study I propose to undertake is concerned with understanding patterns of interaction between agricultural and non-agricultural (indigenous) modes of community. Although there may be generalizable patterns discussed, I would like to ground this study in specific historical reactions of the Montana Salish of the Flathead Reservation and their experiences with both agricultural and non-agricultural contexts. In the study, non-agricultural communities are to be understood as those which tend to move frequently within a home range. Agricultural societies are those societies who tend toward a sedentary occupation of a relatively fixed location for prolonged periods of time. The key questions of the study are: What is the relationship between human beings and these two modes? What are some ways that these modes change human culture? Can contemporary people pick and choose between these modes or are they irreconcilable? At its core, the study concerns how different human interactions with space-time influence different behaviors, philosophies, cultures, and values...

I had hoped at the outset that by diving deeply into my research and by asking critical questions of my advisors that I might develop a repeatable, empirical test that would determine the threshold between the “agricultural” and the “non-agricultural” or the “Indian” and the “non-Indian.” Rich Clow helped me immensely in this project when he suggested I read an essay by anthropologist Tim Ingold, in which Ingold proposed that this distinction could be made by understanding differences in the interpretations of tenure systems between these groups.

According to Ingold, “tenure in hunting and gathering societies is not of surface area, but of sites and paths within a landscape. In agricultural societies, on the other hand, two-dimensional tenure does come into operation. The cultivator appropriates the land in plots, which may be relatively dispersed or consolidated, again within a landscape.”² In the weeks that followed I found myself welling with pride for finding a small foothold on which to make my case, again, thanks to Rich.

Ingold's insight gave me a central concept that guided my subsequent reading and thought. Next I focused on testing his idea by trying to determine the earliest possible evidence for the historical shift from the earlier system of tenure to the later system. That is when I came across the work of French archaeologist Jacques Cauvin and his book, The Birth of the Gods and the Origins of Agriculture. In his discussion of the Natufian period and the transition from round pit houses to standing, rectangular dwellings in the Levant, I found that Cauvin's and Ingold's arguments were closely related. According to Cauvin,

In the universal language of simple forms, the circle (or the sphere) signifies both that which transcends man and remains beyond his reach (the sun, the cosmic totality, ‘God’), and also that which, at its own sub-lunar level, relates to germination, to the maternal, to the intimate. On the contrary, the rectangle, examples of which are rare in our everyday observations of nature, requires human initiative for its existence: the stone is not cubic or rectangular unless so fashioned. The square and the rectangle denote then the manifest, the concrete, that which has been realised. We also know that at the level of the still very elemental imagination, the curve is feminine while the straight line and the angular are masculine. In these respects also, as Mircea Eliade has said, there is no reason to think that the people of the Neolithic were any exception. Consequently, to half bury oneself in the ground in a circular pit may seem primitive, and later perhaps

² Ingold, Tim. *The Appropriation of Nature: Essays on Human Ecology and Social Relations*. Univ. Press, 1986.153.

rather regressive, not only from a technical point of view, but also at the level of the symbolic function itself. On the contrary, the 'square house', generally built on the surface, is witness to a different mental attitude, where the progress of technical knowledge encounters the initiative that utilises it, an attitude which imposes an entirely new, artificial, preconceived form on a basic need for shelter.³

Believing I had confirmed this change in tenure systems in the evidence provided by Cauvin, I felt my foothold was now a foundation.

I next went on to more standard anthropological texts. At this point I found Man Makes Himself by the Marxist anthropologist V. Gordon Childe, where he offers the ten elements of what he calls the "Neolithic package," including: domestication of plants and animals, population increase, storage of surplus, sedentism, trade networks, communal social interaction, magico-religious tradition, ground stone implements, ceramics and weaving.⁴ Now I felt my foundation to be as vast and as firm as dry land. By combining Ingold and Cauvin and Childe, I could write a convincing story of how agricultural societies broke with earlier traditions, how their innovation and arrogance led them to initiate a civilizational feedback loop that would lead to unchecked population growth and a never-ending lust for natural resources. Meanwhile I collected yet more evidence in support of my claims. In Archaic Bookkeeping, a team of Sumeriologists led by Hans Nissen argued that the earliest forms of written script were not of a narrative or poetic nature, but were simply accounting tools used to manage appropriations in a civilization that was becoming more controlling, more hierarchical, and less egalitarian in its administration of natural resources. According to the authors,

³ Cauvin, Jacques. 2007. *The Birth of the Gods and Origins Agriculture*. 1 edition. Cambridge: Cambridge University Press. 151

⁴ Hodder, Ian. *Entangled: An Archaeology of the Relationships between Humans and Things*. Wiley-Blackwell, 2012. 195-196

The supposition that the appearance of writing is to be viewed merely as an additional, albeit crucial step in a sequence of experiments in implementing effective control mechanisms in the economy is enhanced by the fact that the great majority of the 5000 or so written documents from script phases IV and III deal exclusively with administrative procedures. Bearing in mind the large number of texts, it is certainly no coincidence that not one of them is clearly related to religious, narrative, or historical topics... This fact strongly implies that such text genres were simply not written down and is a clear refutation of the hypothesis that writing was invented as a response to the urge to record accounts of religious or narrative character.⁵

The use of writing as a means of centralizing the administration of resources also had important ramifications in the colonization of North America, which before European contact was home to hundreds of different indigenous language communities. In his Encyclopedia of the World's Endangered Languages, Christopher Mosely provides an outline of colonial violence as it relates to language and communication.

Language has always been a powerful weapon in the subjugation of peoples and nations. Empires have come and gone by the sword, but their true staying power, their lasting influence over many generations, long after the trappings of government and formal administration have disappeared, lies in the power of language. At the centre of each empire lies a tradition of book learning – literacy, whereby a nation's traditions can be passed in a stable and unchanged form from one generation to another, which in turn implies the power to legislate, the power to standardise language and conquer dialect differences, the power to institute formal education, the power to expand and amplify the findings of science. Without these things, a society remains fragmented and weak, and a language remains variable and dependent on the accidents of geography and

⁵ Nissen, Hans Jörg, Peter Damerow, and Robert K. Englund. 1993. *Archaic Bookkeeping: Early Writing and Techniques of Economic Administration in the Ancient Near East*. Chicago, Ill: University of Chicago Press. 21

demography. With them, it has the opportunity to conquer even numerically stronger opponents. The secrets of shipbuilding, arms making, colonial administration, trade regulation, are all passed on in written form. Empires have spread out in various forms from or within other continents, but in Europe the process of colonial conquest whose linguistic fruits we see today began over five hundred years ago, and it is no coincidence that it began in the same century as the invention of movable type. The acquisition of printing multiplied and accelerated the opportunities for conquering the hearts and minds of those who did not have it.⁶

After Moseley it was easy for me to connect the dots between writing as a tool of appropriation and domination and the use of written treaties by emissaries of the U.S. Government, like Isaac Stevens, in luring tribes into agreements they neither fully understood nor fully consented. Finally, since many of the Stevens treaties included a “sleeper clause,”⁷ relating to the eventual allotment of reservation lands, it would be easy to connect the treaties to the General Allotment Act of 1877.

In an earlier paper, I labeled this combination of ills, this historical syndrome, “The Pathology of Allotment,” since the agricultural tenure system described by Ingold seemed to match the tenure system advocated by Senator Henry L. Dawes. The pathology of allotment allowed a means of proving that the agricultural revolution was tantamount to the opening of Pandora’s box, a tool that would explain away so many of the modern problems that plague our lives today...

...or so I thought. Just as the academic land mass of my argument was taking shape, there came a trickle of doubt. Thinking of Ingold’s tenure test, I began to entertain some difficult

⁶ Moseley, Christopher, ed. 2007. *Encyclopedia of the World’s Endangered Languages*. London: Routledge. Viii.

⁷ Bigart, Robert, ed. 1996. *In the Name of the Salish & Kootenai Nation: The 1855 Hell Gate Treaty and the Origin of the Flathead Indian Reservation*. Pablo, Mont: Salish Kootenai College Press.

questions. Perhaps Indians didn't set aside tracts of land for years, but surely they occupied and marked areas of occupation for extended periods of time. Afterall, stone tipi rings aren't all that different from stone walls between farmer's fields and these could be built, left and revisited for years. Maybe I could argue that tipi rings were circular, and, according to Cauvin's arguments, older, safer, more "earthly" than rectangular ones. But that seemed too wishful, magical, arbitrary, and even stereotypical. Indians are "circles," non-Indians are "squares."

Other texts of native North America also defied these arguments, like Buffalo Bird Woman's Garden, in which a Hidatsa woman faithfully describes the planting and gardening of domesticated corn fields prior to direct contact with white society. There on the banks of the Missouri River, the Hidatsa used stakes to mark boundaries between fields belonging to families, and built rectangular, above ground platforms to store and dry their crops and keep vermin from reaching them. Were these people agricultural or non-agricultural, Indian or non-Indian? The trickle of doubt was growing to a river.

Around this time, I had moved to Polson, MT, Nčmqné in the Salish language. I would shop at the Walmart there in town, and, on many occasions I ran into CSKT tribal members, including traditional leaders, like Atwen Incashola, Jesse Nčičn Nenemay, and Echo Brown and Chaney Bell and their family. Were these people more agricultural and less Indian because they could be found cruising the aisles of a big box store?

Also at this time, I came to have a very close relationship with a family suffering the pain of "descendant" status. The children of mixed parents, one a tribal member and the other non-tribal, are often the bearers of not one, but two historical burdens. First, though they have some non-Indian blood, rarely do they enjoy the kinds of privileges that conventional white, non-Indian families do. Second, though they may resemble their native parent and fit in culturally with their native family members, they are not afforded the same benefits that come with tribal membership status. So for one group of people, descendants are far too Indian, and for the other they are not nearly Indian enough. I have not personally experienced this hardship,

but I have witnessed close up the cruel traumas endured by descendants that come from this uniquely American blend of double exclusion and hypocrisy, including poverty, joblessness, derision, prejudice, abandonment, addiction and social isolation. Witnessing this trauma, my river of doubt expanded into an open ocean. Where was I to draw the line between these two categories of people? How was I to justify my decision?

In order to continue in earnest with the thesis as it was first proposed, I would need to radically change my approach. Eventually, I found a method that worked, which I explain in the following pages. I request that you consider it, despite its eccentricities and its departures from standard academic practice.

Part I: Problem Statement



8

In the United States, non-Indian people make up roughly 99 percent of the population, and yet there is practically no recognition of this identity, nor understanding about its political and legal definition. Thanks to the rigid categories of conventional thought, the non-Indian identity remains largely hidden to those who belong to this group, and it has gone unexamined far too long. Who are non-Indians? In order to answer this question fully, I will test the traditional boundaries of American categorical thought and treat the reigning dogmas on this subject with circumspection and skepticism. The result of this treatment will demonstrate that there is no

⁸ West, Jim. 2018. *Point Of View* | Jim West. Bronze. <https://jimwestsculptor.com/point-of-view/>.

logical means of determining the line between Indians and non-Indians, allowing for the suspension of judgement on this question.

When W.E.B. Du Bois first declared in 1903 with his book The Souls of Black Folk, “The problem of the Twentieth Century is the problem of the color-line,” his recognition of this problem did not go beyond race. He specified the color-line as “the relation of the darker to the lighter races of men in Asia and Africa, in America and the islands of the sea.” For Du Bois, the resolution of this problem would serve as a corrective for the 300-year history of slavery and Jim Crow laws in the U.S. “Three centuries’ thought has been the raising and unveiling of that bowed human heart, and now behold a century new for the duty and the deed.”⁹ In a third appendix appearing fifty years later, Du Bois would concede that further consideration of the problem led him to a much more general appraisal of it.

I still think today as yesterday that the color-line is a great problem of this century. But today I see more clearly than yesterday that back of the problem of race and color, lies a greater problem which both obscures and implements it: and that is the fact that so many civilized persons are willing to live in comfort even if the price of this is poverty, ignorance and disease of the majority of their fellowmen; that to maintain this privilege men have waged war until today war tends to become universal and continuous, and the excuse for this war continues largely to be color and race.¹⁰

The deeper question raised in Du Bois’s postscript is not only the question of race and slavery, but a question about the merits of civilization. This question is not 500 or 600 years in the making, but perhaps 10,000. From the stronghold of Western civilization and culture, a tangle of categorical lines extend. Among them are categorical lines of identity so dearly held that many have no recognition of them. They are the lines of “civilized” and “uncivilized” and the lines of

⁹ Du Bois, William E. B., and Brent Hayes Edwards. 2007. The Souls of Black Folk. Oxford World’s Classics. Oxford: Oxford Univ. Press. (32)

¹⁰ (Du Bois and Edwards 2007) 208.

“Indian” and “non-Indian,” which remain in legal operation today. These lines are monuments to endeavors of exploration and to bloody wars of conquest. They are fortresses of cultural pride and power, as well as masks that disguise delusion, arrogance and shame. Most importantly, these lines represent the frontiers of our collective problem of identity, for from within them we seem to be imprisoned by labels and categories of extra-human identities, while outside them we seem to be confronted with the homeless, nameless whole of humanity.

For Du Bois, the problem of the Twentieth century was racism and ethnocentrism. Now, the problem of the Twenty First century is dogmatism and logocentrism, that is, the belief that lines of division and categorical assertion must be used to explain and order every facet of reality.

Throughout the course of our education we are conditioned to believe that there are all kinds of lines: between classes, races, nations, genders, jobs, regions, historical periods; between the so-called good and the so-called bad. One must unravel this tangle of lines if one is to answer the important questions of life: “Where am I?” “Who am I?” “How should I live?” and, in their collective form, “Where are we?” “Who are we?” and “How should we live?” All these lines, come bearing down upon one like a net. Take me for instance. I am not an inhabitant of earth, but an “American citizen,” not a human being, but a “white man” and a “white devil.” I am not an abiding creature of creation, but a “dominating male.” If we unravel these lines fully, we come to such simple notions of person, place and purpose, that any further expression of lines seems arbitrary, futile and unnecessary. We are creatures in creation, humans on earth, but categorical lines prevent us from living with identities as plain and vague as these.

Since Du Bois, two writers have produced important critical examinations of divisions of “civilized” and “uncivilized,” in terms of the geographical, historical and cultural ideas of the so-called East and the so-called West. Edward Said’s Orientalism analyzes the project of Western powers to generate a science of the East, a science which not only mines the cultural

fund of Oriental "others," but that also provides justifications for Occidental superiority and Oriental inferiority. For example, Said writes,

...the development and maintenance of every culture require the existence of another different and competing alter ego. The construction of identity - for identity, whether of Orient or Occident, France or Britain, while obviously a repository of distinct collective experiences, is finally a construction - involves establishing opposites and "others" whose actuality is always subject to the continuous interpretation and re-interpretation of their differences from "us". Each age and society re-creates its "Others". Far from a static thing then, identity of self or of "other" is a much worked-over historical, social, intellectual, and political process that takes place as a contest involving individuals and institutions in all societies. Debates today about "Frenchness" and "Englishness" in France and Britain respectively, or about Islam in countries such as Egypt and Pakistan, are part of that same interpretive process which involves the identities of different "others," whether they be outsiders and refugees, or apostates and infidels. It should be obvious in all cases that these processes are not mental exercises but urgent social contests involving such concrete political issues as immigration laws, the legislation of personal conduct, the constitution of orthodoxy, the legitimization of violence and/or insurrection, the character and content of education, and the direction of foreign policy, which very often has to do with the designation of official enemies. In short, the construction of identity is bound up with the disposition of power and powerlessness in each society, and is therefore anything but mere academic wool-gathering.¹¹

In The Shape of Ancient Thought Thomas McEvilley advances Said's analysis by revealing the extensive cross-cultural relationships between ancient Greek and ancient Indian civilizations. "The records of caravan routes are like the philological stemmata of history, the trails of oral discourses moving through communities, of texts copied from texts, with accretions,

¹¹ Said, Edward W. 1979. Orientalism. 1st Vintage Books ed edition. New York: Vintage.332.

scribal errors, and incorporated glosses and scholia. What they reveal is not a structure of parallel straight lines—one labeled “Greece,” another “Persia,” another “India”—but a tangled web in which an element in one culture often leads to elements in others,” McEvelley writes.¹²

Though the works of Said and McEvelley, are very different in approach, they can be interpreted as complementary. Said provides a negative criticism debunking the absolute difference between Orient and Occident, which Western history has so long maintained. McEvelley offers a positive alternative, a rewritten history which rids itself of this division and stitches East and West back together.

Related to this examination of the dominant West and the subordinate East is the strange array of twisted concepts and misnomers found in the colonial rhetoric of North America and its Indians. In his 1978 book, “The White Man’s Indian,” Robert F. Berkhofer, Jr. expertly traces the concept of the Indian in North America. The term Indian was serviceable, despite its utter inaccuracy, in part because it allowed Western colonialists in the Americas to tap into a wide array of ready-made stereotypes and cultural tableaux developed by Western colonial pursuits of the Eastern Hemisphere. According to Berkhofer,

Even with the image of the Indian as a reverse or negative model of White life, two different conclusions about the quality of Indian existence can be drawn. That Indians lacked certain or all aspects of White civilization could be viewed as bad or good depending upon the observer’s feelings about his own society and the use to which he wanted to put the image. In line with this possibility, commentators upon the history of White imagery of the Indian have found two fundamental but contradictory conceptions of Indian culture. In general and at the risk of oversimplifying some four centuries of imagery, the good Indian appears friendly, courteous, and hospitable to the initial invaders of his lands and to all Whites so long as the latter honored the obligations

¹² McEvelley, Thomas. 2002. The Shape of Ancient Thought: Comparative Studies in Greek and Indian Philosophies. New York: Allworth Press : School of Visual Arts.

presumed to be mutually entered into with the tribe. Along with handsomeness of physique and physiognomy went great stamina and endurance. Modest in attitude if not always in dress, the noble Indian exhibited great calm and dignity in bearing, conversation, and even under torture. Brave in combat, he was tender in love for family and children. Pride in himself and independence of other persons combined with a plain existence and wholesome enjoyment of nature's gifts. According to this version, the Indian, in short, lived a life of liberty, simplicity, and innocence. On the other side, a list of almost contradictory traits emerged of the bad Indian in White eyes. Nakedness and lechery, passion and vanity led to lives of polygamy and sexual promiscuity among themselves and constant warfare and fiendish revenge against their enemies. When habits and customs were not brutal they appeared loathsome to Whites. Cannibalism and human sacrifice were the worst sins, but cruelty to captives and incessant warfare ranked not far behind in the estimation of Whites. Filthy surroundings, inadequate cooking, and certain items of diet repulsive to White taste tended to confirm a low opinion of Indian life. Indolence rather than industry, improvidence in the face of scarcity, thievery and treachery added to the list of traits on this side. Concluding the bad version of the Indian were the power of superstition represented by the "conjurers" and "medicine men," the hard slavery of women and the laziness of men, and even timidity or defeat in the face of White advances and weaponry. Thus this list substituted license for liberty, a harsh lot for simplicity, and dissimulation and deceit for innocence.¹³

Just as McEvilley notes the "distinct" qualities of Orient and Occident can be found in each other, Berkhofer's list of conflicting traits of the Indian is so comprehensive that many, if not all, could be found among non-Indians as well.

¹³ Berkhofer, Robert F. 1979. The White Man's Indian: Images of the American Indian, from Columbus to the Present. 1st Vintage Books ed. New York: Vintage Books.

Throughout the history of the relationship, non-Indians have vacillated between expressions of fear and pity toward their American Indian counterparts. Today we now see some small changes, like brands and professional sports teams retiring their use of Indian imagery as marketing tools. But these are piecemeal concessions, and they are a drop in the bucket of potential reforms as soon as one realizes that the idea of American Indians as inferiors is the foundation upon which the doctrine of discovery and the entire system of public and private land claims of the United States of America rests. As legal scholar Lindsay Robertson writes in his book Conquest by Law,

In this country and, to a great extent, in other former British colonies, the legal rule justifying claims to indigenous lands discovered by Europeans traces to the 1823 decision of the Supreme Court of the United States in *Johnson v. M'Intosh*. Johnson contained the "discovery" doctrine, which answered the question: What rights did Europeans acquire, and indigenous peoples lose, upon the discovery of the New World? The answer, according to the Court, was ownership of all discovered lands. Discovery converted the indigenous owners of discovered lands into tenants on those lands. The underlying title belonged to the discovering sovereign. The indigenous occupants were free to sell their "lease," but only to the landlord, and they were subject to eviction at any time. More than 180 years later, the discovery doctrine is still the law."¹⁴

Beyond the historical error of Cristobal Colón believing he had sailed west to India, the term "Indian" endures in the U.S. as a record of the persistent shortcomings of categorical thinking in representing and constructing our reality. As one realizes that the identity of Indian is a mostly spurious one, a logical and linguistic magic trick, the mainstream identity of non-Indian, suddenly becomes equally absurd. According to a 2005 count by the U.S. Bureau of Indian Affairs, federally recognized tribes reported a total enrollment of 1.98 million tribal members.

¹⁴ Robertson, Lindsay Gordon. 2005. Conquest by Law: How the Discovery of America Disposessed Indigenous Peoples of Their Lands. Oxford ; New York: Oxford University Press. x.

That same year the U.S. census estimated the entire population of the U.S. at 292.2 million citizens. With federally recognized Indians at just .7 percent of the population, the other 99.3 percent are non-Indian people.

The insistence upon the categorical division between these two groups is troublesome, because it means Americans face simultaneously a political and an epistemological crisis of identity. Without proof of the Indian, the contrasting identity of the non-Indian vanishes as well. Despite their sizable numbers, the recognition of non-Indians as non-Indians is practically zero. Accordingly, 99 percent of Americans maintain legal membership to a group that they are barely aware of, and yet this group has no explicit logical definition. There are serious reservations, doubts and misgivings when it comes to non-Indians, a group to which, I am told, I belong. Who are non-Indians? How do they know that they are non-Indians? Apart from the fact of domination and subordination, does this non-Indian identity have a meaning? These are daunting questions. In terms of epistemology, McEvilley has pointed out that those who read his book properly will find that the tools of rationalism and positivism, so often attributed to the West, are shared in the East. Elements of irrational and rational thought, as well as elements of superstition and positivism, occur in both Eastern and Western thought.

One is “no more”¹⁵ one way than the other. This is a critically important point because the behaviors ascribed to modern, mainstream, non-Indian Americans are believed to be rooted in a historical trajectory beginning with Greek pre-Socratic philosophers and extending through Europe and into the modern day. What McEvilley shows is that whatever one might call Western and Greek could just as easily be called Eastern and Indian. In this



¹⁵ I have placed this phrase, known as the *ou mallon* argument in quotes, because it is an important tool in the rhetorical repertoire of ancient skepticism, a topic which I cover more thoroughly in the second section on methods.

historical interchange, people shared non-material aspects of culture, including ideas, debates, stories and songs, as well as objects of material culture, like coins and columns of a Grecian style depicting the name and image of Buddha.¹⁶ These objects can simultaneously be described as non-Indian and Indian, eastern and western objects, and such labels are logically absurd.

A potent example of this cultural intermixture of East and West occurs in the New Testament, where the birth of Jesus is attended, not by familiar Jewish or Gentile visitors, but by the “Magi from the east.” In honor of the storied event, early Christians constructed the Church of the Nativity in Bethlehem, and included in its scenes celebrating the birth of Jesus were the images of these three wise men. The story gets all the more interesting, however, in light of the sacking of Palestine by the Persian army in the Seventh century.

In the spring of 614, the Persian general Shahrbaraz, entered Palestine, pillaging the countryside and burning churches wherever he went. Only the Church of the Nativity was spared because of the mosaic over the door that depicted the Wise Men from the East in Persian costume.¹⁷

Although this example does not appear in McEvilley’s text, it conforms perfectly with his thesis, and leaves me to wonder about other data points that might be out there waiting to be recognized.

Politically and legally, the current identity of American Indians was defined by the 1974 U.S. Supreme Court case *Morton v. Mancari*, in which non-Indians argued that laws providing hiring preferences to Indians were discriminatory. Non-Indians lost the suit. According to the decision,

¹⁶ “Thomas McEvilley Speaks about ‘The Shape of Ancient Thought.’” n.d. Vimeo. Accessed August 31, 2020. <https://vimeo.com/7078365>.

¹⁷ Runciman, Steven. 1987. A History of the Crusades. Cambridge University Press. 10.

Resolution of the instant issue turns on the unique legal status of Indian tribes under federal law and upon the plenary power of Congress, based on a history of treaties and the assumption of a "guardian-ward" status, to legislate on behalf of federally recognized Indian tribes. The plenary power of Congress to deal with the special problems of Indians is drawn both explicitly and implicitly from the Constitution itself.¹⁸

Considering McEvilley's reasoning, an absurd problem arises. If the U.S. Constitution can be considered to be Western, and therefore an extension of Greece, it can also be considered Eastern and an extension of India. This would mean that the writers of the Constitution, the treaty brokers and the Supreme Court justices can be considered "Western Indians" or "Non-Indian Orientals," but such designations are ultimately contradictory and absurd. With the fusion of these two identities comes a warranted skepticism about the "guardian-ward" status. Without any consistent means of determining the Indian from the non-Indian, there is no logical means of determining the relation of inequality preserved by the "guardian-ward" status and only opinion, assumption or a pure guess remain to support it as a legal construct.

In saying this, I am not discounting that people and cultures are different. But such differences, despite being entirely real, may also be entirely unprovable. For instance, there is a difference between those people who have dominated and victimized others and those victims who endure the violence of domination. However, violence and domination are not identities, but actions, and as such they have little to do with these lines of categorical division such as race, class, creed, gender, etc. These identities and categories can shift, although many assume them to be fixed. The powerful can relinquish their power. Victims can heal. The "guardian" and the "ward" may grow out of their roles if they are allowed to do so.

The insistence upon categorical assertions, on fixed identities, on lines of division, often prevents such changes. The unmoving fixedness of categorical assertion is the hidden factor

¹⁸ "Morton v. Mancari, 417 U.S. 535 (1974)." n.d. Justia Law. Accessed September 16, 2020. <https://supreme.justia.com/cases/federal/us/417/535/>.

behind the problem of privilege diagnosed by Du Bois. Privilege, in order to be systematized, must be justified by reasons, and by ideas, and these ideas are concretely organized by lines of categorical division.

The mental habit of categorical assertion also leads to endless problems that arise from the inevitable failures of logical attempts to prove a given generalization—this statement included! Although it may seem simple and clear to claim that “Categorical assertion is problematic,” one is immediately bogged down with complexity when one realizes that the statement, “Categorical assertion is problematic,” is itself a categorical assertion. To better grasp this, Bertrand Russell offered his students a thought experiment known as the barber’s paradox. According to Russell,

The only barber in the village declared that he shaved everyone in the village who did not shave himself. On the face of it, this is a perfectly innocent remark until it is asked “Who shaves the barber?” If he does not shave himself, then he is one of those in the village who does not shave himself and so is shaved by the barber, namely, himself. If he shaves himself, he is, of course, one of the people in the village who is not shaved by the barber. The self-contradiction lies in the fact that a statement is made about “all” the members of a certain class, when the statement or the object to which the statement refers is itself a member of the class. In short, the Russell paradox hinges on the distinction between those classes that are members of themselves and those that are not members of themselves.¹⁹

The premises about the barber are logically consistent since each statement is semantically valid, and yet they are logically incomplete, because, though each is valid, when taken together, they result in a contradiction—the barber who shaves and does not shave himself.²⁰ This same

¹⁹ “Number Game - Logical Paradoxes.” n.d. Encyclopedia Britannica. Accessed October 22, 2020. <https://www.britannica.com/topic/number-game>.

²⁰ See Marcus du Sautoy’s discussion, *Gödel’s Incompleteness Theorem - Numberphile*. May 31, 2017 Accessed Sept. 10, 2020. <https://www.youtube.com/watch?v=O4ndIDcDSGc>.

problem of self-referential contradiction is present in the statement that “Categorical assertion is problematic,” since the general rule of the statement also applies to itself, making the statement problematic as well.

On first impression, this problem seems to be inescapable. However, there is a method and means of escape. In the following section, I will explain the method of ancient skepticism, also called Pyrrhonian skepticism, which will be applied for the remainder of this essay. This method provides a forum in which opposing assertions are each taken as plausible, and which together result in absurd truth-statements which logic is incapable of reducing. By this method I will show that generalized and abstract lines of categorical division, like “Indian” and “non-Indian” or “civilized” and “uncivilized” are indeterminable. The results of this dialectical application allow for the conclusion that one may rightly suspend judgment and offer no definitive opinion, neither affirming nor denying, whether one belongs to one side of the line or to another.

Part 2: Method - The door is shut. The door is open.



21

²¹ Magritte, René. 1933. *Unexpected Answer, La Réponse Imprévue*. Oil, canvas. Magritte Museum, Brussels, Belgium. <https://www.wikiart.org/en/rene-magritte/unexpected-answer-1933>.

In many ways, the methods of this study are as important as the subjects it discusses, because without these methods, one might be bound to a life defined by lines of categorical division. The methods used here are based on those advanced by the skeptics of ancient Greece, particularly those offered by Sextus Empiricus in his Outlines of Pyrrhonism.

Although these ideas are commonly attributed to the Greeks, the historical circumstances of their development dovetail precisely with McEvilley's points about the cross-pollination of ideas and culture between Greece and India. According to the records of Diogenes, Pyrrho of Elis, whom Pyrrhonians consider the father of the skeptical method, traveled to India as a member of the entourage of Alexander the Great. There he came in contact with the gymnosophists or naked sages.²² Some scholars believe that these men communicated versions of skepticism associated with ancient Buddhism, and specifically the Madhyamaka School,²³ to Pyrrho who then returned and applied them in the cultural context of ancient Greece. His practice influenced others, like the poet Timon of Phlius and later practitioners like the physician, Sextus Empiricus.

Richard Bett, arguably America's leading scholar of Pyrrhonian skepticism, describes its methods in his book How to be a Pyrrhonist. According to Bett,

Sextus describes skepticism as an "ability" (*dunamis*) – more specifically, an ability to produce suspension of judgment (*epochê*), and thereby tranquility (*ataraxia*). The way this works is by assembling arguments and impressions on any given topic that are in opposition to one another; faced with the "equal strength" (*isostheneia*) of the considerations on each side, one suspends judgment on the topic in question – there is no way to choose between or among the opposing points of view. I have also elsewhere

²² Diogenes Laertius, and Pamela Mensch. 2018. Lives of the Eminent Philosophers. New York: Oxford University Press. Book 9: 61.

²³ Kuzminski, Adrian. 2010. Pyrrhonism: How the Ancient Greeks Reinvented Buddhism. Lanham: Lexington Books : Rowman & Littlefield Publishers. 52, 63, 108, 115.

expressed a preference for a reading of this according to which this suspension of judgment is a psychological effect rather than a rational conclusion. Skepticism does not argue for the conclusion that we ought to suspend judgment, given the merits of the arguments; rather, it brings about a certain outcome – suspension of judgment – as a result of the equal attractiveness (or unattractiveness) of the various positions on offer.²⁴

The Pyrrhonian method is only ever directed toward statements or arguments made *about* the world, and never directed toward apparent or self-evident matters. Accordingly, one's perceptual sense impressions of the world are never doubted as "unreal," though our initial ideas *about* those phenomena may require further investigation.²⁵ For example, one might say, "I feel hot," but the statement "It is hot," would be taken as highly suspect. It is the fidelity, veracity, utility, and overall quality of our cognitive expressions *about* the world which are the subjects of skeptical treatment, since these rely on logic in order to make sense while also holding the potential for an equally valid and yet contradictory expression to counteract their meaning. These balanced contradictions do not lead to an absolute conclusion about the truth.

The ongoing activity of investigation (skepsis) is so important that it appears in the very first lines of Sextus's, "Outlines of Pyrrhonism."

The natural result of any investigation is that the investigators either discover the object of search or deny that it is discoverable and confess it to be inapprehensible or persist in their search. So, too, with regard to the objects investigated by philosophy, this is probably why some have claimed to have discovered the truth, others have asserted that it cannot be apprehended, while others again go on inquiring. Those who believe they have discovered it are the "Dogmatists," specially so called— Aristotle, for example,

²⁴ Bett, Richard Arnot Home. 2019. How to Be a Pyrrhonist: The Practice and Significance of Pyrrhonian Scepticism. 1 [edition]. New York: Cambridge University Press. 110.

²⁵ The example provided by the ancient skeptics is that of a phenomena initially thought to be a "snake," but which is later determined to be a coiled rope. Skeptics are quick to point out that it is not the stimulus in question which has changed, but the initial determination *about* that stimulus. This relates to the English cliché "The proof of the pudding is in the eating."

and Epicurus and the Stoics and certain others; Cleitomachus and Carneades and other Academics α treat it as inapprehensible : the Sceptics keep on searching. Hence it seems reasonable to hold that the main types of philosophy are three— the Dogmatic, the Academic, and the Skeptic. Of the other systems it will best become others to speak: our task at present is to describe in outline the Sceptic doctrine, first premising that of none of our future statements do we positively affirm that the fact is exactly as we state it, but we simply record each fact, like a chronicler, as it appears to us at the moment.²⁶

The Pyrrhonian method does not rest mainly on the advancement of relativistic arguments, but on the validity of contradictory claims that the rules of logic do not tolerate. From the time of Alexander, philosophers and mathematicians seeking to advance their understanding using logic accepted three laws governing logical thought. These are:

The Law of Identity (that A is A and A is not not-A).

The Law of Non-Contradiction (that nothing can be both A and not-A at the same time).

The Law of the Excluded Middle (that every entity in the universe is either A or not-A.)²⁷

Taken together, these three axioms serve to segregate identities in logical argument.

For instance, the color white is white and not black. The color white cannot be both white and not white, and the color gray, which is the combination of white and black together is excluded from logical consideration. These rules are also necessary preconditions for logical argument.

Try as one might, it is impossible to advance arguments logically without strict adherence to these laws. To bend or break these rules is, therefore to end an argument and begin an opinion, a poem, an artwork, etc. The point is, whatever follows after these laws are breached is not based in logic. This does not mean that it is “less than,” logic, but rather that it is “something else” other than logic and this something else will not be resolved by argument.

²⁶Sextus 2000, 3.

²⁷ McEvilley, Thomas. 2002. 106.

Consider again the barber's paradox. According to the premises of the case, the only barber in the village declared that he shaved everyone in the village who did not shave himself. When we ask, "Who shaved the barber?" we reach an impasse in which the barber shaves and does not shave himself. The common response of Dogmatists to this impasse is to argue that one of these is the more probable according to the Law of the Excluded Middle, thereby resolving the controversy. But the skeptic does something quite different. The skeptic suspends judgement on the premises of the case, including the idea of members of a given class. In other words, the man's categorical identity as a "barber," remains logically unproved, so there is no need to worry over whether he validates the premises. In cases like these, any answer to the question will defy the constraints of logic provided by the three laws of thought, and accordingly, the skeptic gives no reply.

What follows from this impasse is important. According to Sextus, "[The dialectic] is like aperient drugs, which do not simply eliminate the humours from the body, but also expel themselves along with the humours."²⁸ Some logicians and philosophers accuse Pyrrhonian skeptics of being "anti-Dogmatists," arguing that the Pyrrhonians *must* conclude by these reasons that "indeterminacy" (aoristia) is a fact, which allows them to call an end to investigation. However, this accusation is also an error, since the Pyrrhonian skeptics are careful to assert that, if all things are indeterminate, then that statement applies to itself, so that the indeterminacy of statements is itself indeterminate. From this relationship, Pyrrhonian skepticism maintains itself, not as a fixed logical position or stance, but as an ability which is active. Instead of resting on the assumption that "all things are indeterminate," the skeptics argue for the indeterminacy of the indeterminate as reason to continue searching for truth.

By suspending judgement in regard to unprovable questions and opting instead to live a life of ongoing investigation, skeptics achieve a state of peace and tranquility, which they called "ataraxia," or freedom from disturbance. There are two reasons for this. First, the state of

²⁸ Sextus. 2000. 206.

ataraxia comes from the Skeptics non-attachment to dogmatic stances, logical positions or opinions. Sextus writes,

For the man who opines that anything is by nature good or bad is forever being disquieted: when he is without the things which he deems good he believes himself to be tormented by things naturally bad and he pursues after the things which are, as he thinks, good; which when he has obtained he keeps falling into still more perturbations because of his irrational and immoderate elation, and in his dread of a change of fortune he uses every endeavour to avoid losing the things which he deems good. On the other hand, the man who determines nothing as to what is naturally good or bad neither shuns nor pursues anything eagerly; and, in consequence, he is unperturbed.²⁹

Second, the state of ataraxia comes from the acceptance of indeterminate investigation, and, as a result of this, the skeptic's expression about the world becomes limited to self-reports about how the world seems to him or her at a given moment. Sextus writes,

So whenever the skeptic says "I determine nothing," what he means is "I am now in such a state of mind as neither to affirm dogmatically nor deny any of the matters now in question." And this he says simply by way of announcing undogmatically what appears to himself regarding the matters presented, not making any confident declaration, but just explaining his own state of mind.³⁰

The unperturbed state of ataraxia presents itself as a personal fact for the skeptic which he or she is fully capable of reporting as a matter relating to his or her state of mind.

So the method of Pyrrhonian skepticism can be thus far summarized as 1) to set dogmatic assertions in opposition (isostheneia), 2) to use balanced contradictions to demonstrate the suspension of judgment (epoché), 3) to enjoy the state of freedom from

²⁹Sextus 2000, 19.

³⁰Sextus 2000, 115-117.

disturbance (ataraxia), all of which follow from the application of these skeptical methods and abilities (dunamis).

Many scholars judge Pyrrhonian skepticism to be a radical method, and they have levelled many criticisms against it. Kieran Daly summarizes these in his article, “No More: Pyrrhonism and Non-Philosophy,”

In Hume (1975), we find the famous passage against Pyrrhonism. Because of suspension “all discourse, all action would immediately cease; and men [sic] remain in a total lethargy” (128). [...] Hume conflates suspension with an intrinsic capacity of a person and further more conflates a behavioral state with an act. Comensañá (2012) grounds this distinction as a negative for Pyrrhonism, only to conclude that “Pyrrhonism is not a livable philosophy. ... [S]omeone who lived according to the precepts of Pyrrhonism will fail to act at all” (225). In other words, “[A]nyone who globally suspends dies unless she has friends who act in her place. The objection is clear: suspension is incompatible with action” (Wieland 2012). Accepting this line of argumentation, Pyrrhonism is concluded as “not possible for man” (Burnyeat 1980, 53). Johnson (1978) offers his own particularly damning conclusion, where Pyrrhonism renders it “impossible for us to engage in any of the practical activities we consider to be distinctively human” (188).³¹

Contrary to its critics, Pyrrhonian skepticism does not deny its practitioners a rich social, political and practical life. Critics wrongly contend that the skeptical method is impossible, impractical and quietistic. First, in terms of impossibility, the historic examples provided by Pyrrho, Timon, Sextus and others stand as potent objections that require no further explanation. Second, I may very well be alone in my application of Pyrrhonian skepticism at the moment I am writing this. It is my hope that this work can be the exception that defies the rule that “Pyrrhonian

³¹ Daly, Kieran. n.d. “No More: Pyrrhonism and Non-Philosophy.” Accessed October 1, 2020. https://www.academia.edu/8743266/No_More_Pyrrhonism_and_Non_Philosophy.

skepticism is impractical, and that is why no one practices it.” Well, I practice it. You can practice it too. The notion that the methods are impractical is challenged by my own example, and possibly by those who read this. Finally, the idea that Pyrrhonian skepticism reduces one to a quietistic or solipsistic worldview in which the practitioner is doomed to a lonely, navel-gazing individualism is challenged by the final chapter of Sextus’s outline. In this chapter, Sextus reminds the reader that Pyrrhonian skepticism is a therapy and that its goal is to help human beings find happiness.

The skeptic, being a lover of his kind, desires to cure by speech, as best he can, the self-conceit and rashness of the Dogmatists. So, just as the physicians who cure bodily ailments have remedies which differ in strength, and apply the severe ones to those whose ailments are severe and the milder to those mildly affected,—so too the skeptic propounds arguments which differ in strength, and employs those which are weighty and capable by their stringency of disposing of the Dogmatists’ ailment, self-conceit, in cases where the mischief is due to a severe attack of rashness, while he employs the milder arguments in the case of those whose ailment of conceit is superficial and easy to cure, and whom it is possible to restore to health by milder methods of persuasion. Hence the adherent of skeptic principles does not scruple to propound at one time arguments that are weighty in their persuasiveness, and at another time such as appear less impressive,—and he does so on purpose, as the latter are frequently sufficient to enable him to [affect] his object.³²

This short passage reinforces two important aspects of Pyrrhonian methods which dispel charges of inescapable quietism and inaction. The first aspect is that the object of the method is both the self and others. Once the self is cured by the skeptic’s ability, one can then repeatedly exercise this ability as one comes into contact with others who assume positions of dogmatic assertion. The second aspect is something that I like to think of as symmetry. One need not go

³² Sextus 2000, 511-512.

around professing the benefits of skepticism by shouting from the rooftops. Instead, the skeptic treatment is better issued with sensitive care and attention to the people and situations of a given moment, thereby matching the rashness and self-conceit of a given Dogmatist by means of respectful and reciprocal negotiation.

Overall, the Pyrrhonian method is a sound and viable method because of its tendency for tolerance. Its toleration of logical extremes allows one to entertain such contradictory arguments that the very idea of lines of categorical separation begins to breakdown. This occurs not because one claims dogmatically or anti-dogmatically that certain lines exist or not, but because one is aware of the equal force and validity that each opposing argument possesses. This equal force leads one to entertain arguments which are logically valid when in isolation, and yet contradictory when considered together. Skeptics use the word, “absurd,” to describe such statements, since these oppositional arguments cannot be affirmed according to the laws of logical thought. Accordingly, any line that might separate them is dissolved through the toleration of opposites. This toleration of contradictory yet valid statements distinguishes Pyrrhonian skepticism from its modern counterpart, which is sometimes called “rational” skepticism and more commonly referred to as “science.” Rational skeptics and scientists justifying their posture of doubt and suspicion often repeat the refrain, “Extraordinary claims require extraordinary evidence.” This is a fine statement, but it is not a sufficient statement if we realize that ordinary claims, even ones commonly held by a majority of people, may be logically unprovable. It is the recognition of this possibility which led the Pyrrhonian skeptics to apply their method to claims about all “non-apparent” phenomena. For them, claims about subjects like, “dragons” and “unicorns,” are just as suspicious as claims about “right” and “wrong” or, relating to our discussion, “Indians” and “non-Indians.”

The method’s toleration of all logically valid arguments, even extreme arguments, allows for its practitioners to maintain a welcoming and hospitable relationship toward their more dogmatic counterparts. These patients/opponents are in many ways the life of the Pyrrhonian

skeptic because they are also potential partners. On the surface, the Pyrrhonian skeptic has no choice but to engage with Dogmatists, and it is through these engagements that the skeptic applies his or her abilities to the arguments of his or her opponent. On a much deeper level, the skeptic honors his opponent as a fellow human being and both the skeptic and the opponent stand to benefit if the “rashness and self-conceit” of any party can be tempered and reduced by Pyrrhonian practice.

Because of its hospitality, tolerance, and well-roundedness, the methods of Pyrrhonian skepticism are less susceptible to the problem of confirmation bias, that is, an interpretation in search of evidence that supports it. Unlike exegetical, inductive and deductive methods of reasoning that rely on evidentiary and empirical claims in order to advance one interpretation over another, and which can be twisted to serve eisegetical purposes, Pyrrhonian skepticism allows for the equal consideration of logically valid contradictions. By so doing, the possibility of confirmation bias is greatly reduced, since this bias would only serve one who is interested in asserting one view over another. Skeptics, of course, have no interest in asserting one view or another, and, as a result, their methods are both more thorough and more immune to bias.

I will employ this method in the following section in two ways. The first is a general application which challenges several lines of categorical division that are common to debates concerning the identities of Indian and non-Indian people. These categories include societal, geographic, historical, technological, lexicographic, demographic, and normative lines of division. The second application is a specific application in which I examine the rules of tenure that govern me, my identity and the local area that I inhabit.

Part 3: General dialectical treatment



33

³³ Magritte, René. 1938. *Morning Star, L'étoile Du Matin*. Oil on canvas. Recolored by author.
<http://www.sothebys.com/en/auctions/ecatalogue/2019/surrealist-art-evening-sale-l19003/lot.36.html?locale=en>.

Lines of societal division

Since the various arguments for logical or categorical assertions of identity depend logically upon the human subject that they modify, the entire catalog of questions concerning the validity of these categories can be laid open by establishing that there exists no agreed upon logical criterion by which an individual human being can be proved to exist.

Perhaps the first and most compelling argument concerns the contradiction found in individual offspring. It is commonly assumed by the Dogmatists that there really is such a thing as a human individual, and that this individual is, at least to some degree, a singular and independent agent with specific characteristics. For example, “in the first volume of his Principles of Biology (1866), Herbert Spencer argued at length that the capacity of a biological individual to ‘continuously adjust its internal relations to external relations, so as to maintain the equilibrium of its functions’ (1866: 207) is one of the key features that sets it apart as biological.”³⁴ However, this so-called individual is challenged by the recognition that there has never been an individual who stood entirely apart as absolutely separate from the wider group of which he or she is an offspring. According to Aristotle, “The family is the association established by nature for the supply of men's everyday wants.”

Entertaining the reasonableness of these two arguments regarding the person, we find we are locked in contradiction. For the singular, independent individual is, at the same time, an offspring dependent upon a plurality capable of cellular division in order to reproduce. Moreover, the specific characteristics of an individual are balanced by those more general features shared across the group from which he or she sprang. An individual may be said to have light skin or

³⁴ Wilson, Robert A., and Matthew J. Barker. 2019. “Biological Individuals.” In The Stanford Encyclopedia of Philosophy, edited by Edward N. Zalta, Fall 2019. Metaphysics Research Lab, Stanford University. <https://plato.stanford.edu/archives/fall2019/entries/biology-individual/>.

curly hair, but all have heads and torsos. Following this logic, we find that it is correct to state that the human is both individual and not individual; independent and not independent; unique and not unique, and all of these statements are absurd. As such, neither the group nor the individual can be logically distinguished.

Critics may contend that this seems like sophistry: all humans are similar, but each is a little different, and only a pedant would argue otherwise. I am sympathetic to this view. However, it is critical to point out that any argument attempting to logically resolve the paradoxical truth of these statements will fail to conform to the three laws of thought. Accordingly, such arguments will be a mixture of logical argument, and something else. This is a problem, because this “something else,” will not be provable, as it lies outside the realm of logic. Accordingly, this “something else,” may be anything: an unprovable truth or an unprovable falsehood, a story or a song. Whether it is gold or garbage, logic will be unavailable to prove the worth of this “something else” that lies outside of logic’s laws.

Furthermore, it is common for those who believe that truth is ascertainable to argue that their assertions are to be understood not as absolute but as “probable.” Even though exceptions to their assertions may be found, the large number of instances that conform to their assertions allows them to maintain their validity. The sociologist Gerhard Lenski explains the peculiar strength of probabilism in his book, Ecological-Evolutionary Theory. According to Lenski, “If theories are couched in deterministic terms, a single deviant case is enough to falsify them. This is not so, however, when theories are stated in probabilistic terms: Propositions stated in probabilistic terms can be falsified only when *the total distribution of cases* violates assertions about that distribution.”³⁵

Despite Lenski’s arguments, we find that the total distribution of cases does violate the assertions of a theory once the contradiction of the individual and offspring is admitted. If a

³⁵ Lenski, Gerhard. 2013. Ecological-Evolutionary Theory Principles and Applications. Boulder: Paradigm Publishers. 108.

human being is both individual and group, then there is no way to ground a discussion about human beings without reducing or continuing this contradiction. Logically speaking, there exists no human who is neither individual nor offspring, or more individual than offspring, or more offspring than individual, and yet the logical qualities of singular, independent and unique oppose the logical qualities of multiple, dependent and general. As a result, the extent to which these terms succeed or fail to describe reality is relative and subjective, since they are each true and yet together they create contradiction. Without some reasonable means of differentiating the individual from the group or vice versa, there is no logical subject for an identity to modify. Identifying descriptors like Indian or non-Indian, which modify the subject “people,” have no logical grounding if people are impossible subjects to define. As ideas, these labels might be relevant. On the other hand, they might not be. Proof of their relevance is impossible if their subject defies logical constraint. Accordingly, we can suspend judgement on the relevance of these labels, since the subject they modify conflicts with the laws of logical thought. This allows one to defer categorical questions concerning lines of societal division to the suspension of judgement.

Lines of geographic division

Geographic categories like American or Indian are widely used in the formation of meta identities. Just as was the case for societal categories, the wide variety of the arguments supporting geographic categories can be undermined by the following arguments, demonstrating that the logic of the person and the logic of place are so intertwined that there is no logical criterion or proof by which a human being can be determined as separate from geography.

In this case, the confusion results from any assertion that assumes or argues for the existence of the so-called “nation,” a word, which stems from the latin root *natio*, meaning “birth.” For human beings, birth is both general and specific. In the general sense, all *homo sapiens sapiens* are born human. This is so obvious that it hardly needs stating. However, as a means of overcoming the general character of birth, a specific character can be ascribed to birth by means of attributing to a human being a specific place of birth.

As other births occur, a collection of individuals emerges who may choose to recognize or ignore the general or specific characterization of their birthplace. For instance, I was born in Kane County Hospital, in Aurora, Illinois. Although this information is important specifically, it merely serves to support the broader claim that I am a citizen of the nation of the United States. And so it is for many other babies, whose specific birthplace supports their claim to a “national” identity. These two justifications of *jus soli* and *jus sanguini*, citizenship by soil or blood respectively, are the two common justifications for citizenship of modern nation states.³⁶

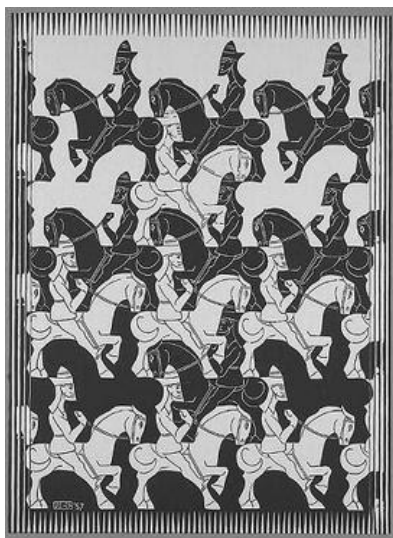
So far so good, but the logic immediately falters, when we use the word “nation,” not only as a denotation of human citizenship, but also as an expansive location in which birth occurs. According to these two uses, the nation is both the birth of a human, which is self-evident and unimportant, and a place of birth, which provides specific and interesting detail, and, when taken together, these arguments are logically absurd. Are the lands of the earth born from human mothers? Are human children the products of fertile soil? Are the places called “Washington,” dependent on the man called, “Washington?” Or are the place and the man independent of one another?

In this case, a logical failure occurs with the confusion of subject and ground, so that the one can not be logically distinguished as separate or distinct from the other. The ambiguous

³⁶ Scott, James Brown. 1930. “Nationality: Jus Soli or Jus Sanguinis.” *The American Journal of International Law* 24 (1): 58–64. <https://doi.org/10.2307/2189299>.

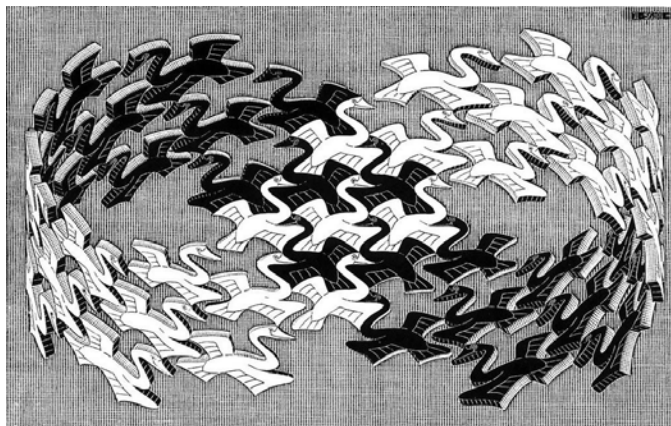
event of birth provides a logical nexus in which the human and the earth slip into paradox. Each birth involves a place. Each birth involves a human. And each of these statements is no more true or false than the other. The human that is born of a land, becomes a land that is born of the human. As a result of this confusion, no logical means exists to determine whether the human beings of a nation are separate from the geographic regions of a nation. Accordingly, the question of whether a human is separate from his or her geography is laid open to the suspension of judgement.

This confusion of figure and ground is demonstrated in the 1957 image by M.C. Escher, titled, "Regular Division of the Plane III." ³⁷ One may argue endlessly and with perfect logical soundness that the light horsemen are the subject of the image, while the dark are the background. But a similarly perfect and never ending argument can also be made with the dark horsemen as subject and the light as background. Entertaining these two opposing positions as equally valid, the suspension of judgment with respect to the geographic identity of the figures is justified.

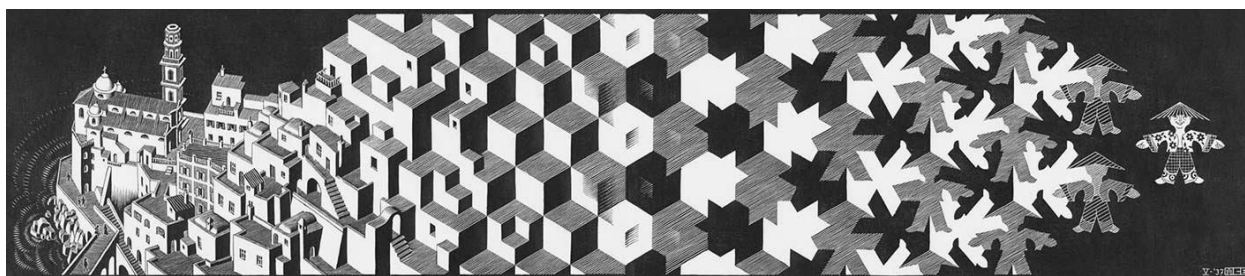


³⁷ Escher, M.C. 1957. *Regular Division of the Plane III*. Woodcut in red on wove paper. Cornelius Van S. Roosevelt Collection. National Gallery of Art. <https://www.nga.gov/collection/art-object-page.62790.html>.

The potential endlessness of such a debate was recognized and demonstrated by Escher in his drawing, “Swans,” in which the black and white figures are arranged in the lemniscate, a commonly used mathematical symbol for infinity.³⁸



This confusion of figure and ground is not limited to shapes of horsemen and swans, but can be applied across a wide variety of circumstances. Escher demonstrates this variability in his 1937 image, “Metamorphosis I,” which presents a gradual shift of perceptually recognizable forms between a cityscape on one side and a human figure on the other.³⁹



This gradual union of subject and surrounding demonstrates how one might entertain the idea that these concepts are both exclusive and inclusive of one another. The logical contradiction

³⁸ Escher, M.C. 1955. *Swans*. Wood engraving. Cornelius Van S. Roosevelt Collection. National Gallery of Art. <https://www.nga.gov/collection/art-object-page.54266.html>.

³⁹ Escher, M.C. 1937. *Metamorphosis I*. Wood engraving. Cornelius Van S. Roosevelt Collection. National Gallery of Art. <https://www.nga.gov/collection/art-object-page.54211.html>.

that flows from this allows for the suspension of judgement on the question of figure and ground, and, by extension, to questions concerning the inter-relations of human beings and geography.

Lines of historic division

Amongst the assertions of the Dogmatists it is common to find categories employed to divide humans according to certain conditions of historic change. However, such categories can be held in suspension by demonstrating that historic change is logically indeterminable. In his book, "Space and Time," Barry Dainton summarizes the conventional dogma of historical change, or "temporal passage."

As for what we mean when we say that time passes, the following formulation encapsulates the essentials: What is future will become present; what is present will become past; what is past was once present. Your birth was once present, but now lies in the past. Your next birthday lies in the future, but it is getting closer every day. Getting closer to what? The present, of course. We can think of the present as advancing into the future, or the future advancing towards the present; either way the distance between the two is always decreasing. What applies to your next birthday applies to all times and all events: they start off in the future, become present and then recede into the past. This process is often called "temporal passage."⁴⁰

In order to argue for such a change, one must prove that such change represents a discontinuity with the preceding patterns of the past. In other words, they must argue that some prior condition is "old," and that some change to that condition is "new." On the other hand, others assert that history depends not upon disruptive change, but on the continuity of past conditions into the future. These anti-Dogmatists are those who intone the old cliché that, "Nothing is new under the sun," and "Everything old is new again." According to Dainton, "These philosophers subscribe to a conception of time known variously as the "Block view", "four-

⁴⁰ Dainton, Barry. 2010. *Time and Space*. 2. ed. Durham: Acumen. 7

dimensionalism” or “eternalism”. According to this doctrine all moments of time (and all events) are equally real, and there is no moving or changing present; nothing becomes present and then ceases to be present.”⁴¹

As for the first argument claiming the discontinuity of history, the appearances of our senses seem to aver that historic change does occur, for without this sensory evidence it would be impossible for us to perceive the outward signs of historical change from the Jurassic Period to the Jet Age. Surely, the airplane is a historic discontinuity from the past that preceded it. But, as for the second argument claiming the cyclical continuation of history, we can also admit as logical the statement that the airplane depends on the continuity of conditions of the past. For instance, atmospheric conditions that have allowed for the flight of birds and insects since time immemorial are the same conditions which provide for the flight of the jet plane. The earth’s geological cauldron, with its millions of years of ongoing operation, provides minerals for metallurgy and oils for lubrication and propulsion.

Here again, there is a confusion of subject and ground, whereby one may logically assert that the structures of history are inescapably old and undeniably new, continuous and discontinuous, dependent and independent so that any attempt to ground an interpretation of these events –either by contrast or by comparison– is met by an equal and opposite argument.

The geologist and paleontologist Stephen Jay Gould discusses the need to understand geological history as a tension between these polar interpretations. In “Time’s Arrow, Time’s Cycle.” Gould writes,

...time's arrow and time's cycle is, if you will, a "great" dichotomy because each of its poles captures, by its essence, a theme so central to intellectual (and practical) life that Western people who hope to understand history must wrestle intimately with both—for

⁴¹ (Dainton 2010, 7)

time's arrow is the intelligibility of distinct and irreversible events, while time's cycle is the intelligibility of timeless order and lawlike structure. We must have both.⁴²

Later, Gould addresses, but attempts to downplay the interpretation that this tension is not just a great dichotomy, but a paradoxical absurdity that will not be logically resolved. In his final chapter, Gould writes,

I have lectured for years in my introductory courses about the themes of time's arrow and time's cycle. Often, a student will ask, with that charming naiveté of a freshman who thinks that professors really do have simple answers to the deepest questions of the ages: Well, which is right? I always reply that the only possible answer can be "both and neither."⁴³

Gould seems to be embracing skepticism without doing so explicitly. Gould sees the absurdity that results from the student's need to dichotomize the concepts of time's cycle and time's arrow, and answers it with another absurdity, which is "both and neither." But the wiser position, and one which Gould implicitly embraces, is to suspend judgement on the question as one continues to investigate the mysteries of time. So although Gould's response to his pupil is an absurd one, he does not use this absurdity as cause to call off the search for the truth. Like the skeptic, he keeps on investigating, continuing to "wrestle intimately," with these ideas as an ever deeper understanding of time is pursued.

⁴² Gould, Stephen Jay, and International Society for Science and Religion. 2007. Time's Arrow, Time's Cycle: Myth and Metaphor in the Discovery of Geological Time. 15.

⁴³ (Gould and International Society for Science and Religion 2007, 191.)

Lines of technological division

In addition, it is common to find arguments asserting that there exist lines of technological division separating one group of people from another. These arguments rest upon the assumption that there is an ascertainable separation between the products of human beings, which are called “artificial” or “artifactual” and the products of nature, which are called “natural.” However, there are also those who argue that this separation between the so-called natural and the so-called artificial cannot be ascertained. Here again, by entertaining these two valid positions, a logical absurdity results.

The discussion of the separation between the natural and the artificial seems to depend on the detection of human authorship and expression as the igniting spark that is uniquely human and uniquely technological. In a chapter in The Handbook of Human Symbolic Evolution anthropologist Tim Ingold explains this distinction between, “constructive modification and the self-conscious authorship of design, a distinction that helps to sort out a great many anomalous instances in comparisons between human works and those of non-human animals.” According to Ingold,

A classic example concerns the alleged farming activities of certain species of ants. We are in no doubt that the human farmer builds an artificial environment: by converting patches of the landscape into fields, and by planting selected cultigens, he harnesses the ecologically productive potential of the land more efficiently. The ants, apparently, intervene similarly in the reproduction of their food resources, executing operations (albeit in miniature) formally identical to those of cultivation (Reed 1977, pp. 15- 17). Should we not, then, admit that they also inhabit an artificial environment? And again, what right have we to claim that the human engineer, in building a dam for the purposes of irrigation, is the constructor of an artificial environment, whereas the beaver, whose

feats of environmental modification are equally impressive, is not? The answer is that both farmer and engineer begin work with an idea already formed of the nature of the end-result, and with a knowledge of the procedures required to achieve it. Lacking such knowledge, ant and beaver are constructors of their respective environments, but not designers. Indeed, the designs they embody, and that are 'written out' in the course of their activity, have no designer, being the products of an evolutionary process of variation under natural selection.⁴⁴

According to these arguments, genetic expression is separate from cognitive expression. But a problem arises if genetic expression and cognitive expression are entirely interrelated. The mental activity of the brain of any animal, including humans, depends just as much on the inheritance and evolution of genetic material as genetic material depends on the mental activity of brains. The performance of both cognitive and reproductive faculties are necessary to ensure the perpetuation of a species. Genetic expression and cognitive expression are therefore interdependent and the line separating them is indeterminable.

Since the belief in a separation between genetic and cognitive expression is unsatisfactory, it follows that the corresponding anti-Dogmatic belief, that the separation between the natural and the artificial is impossible to uncover, is equally implausible. Anti-dogmatic arguments attempt to confute arguments like those made by Ingold in order to bring about an absolute denial of the division between the natural and the artificial. This is the purpose of environmental philosopher Steven Vogel, in his collection of "post-natural" essays, "Thinking Like a Mall". According to Vogel,

The world we inhabit—our environment—is, as I have been arguing, something that has always already been built through our practices; we have no access to some originary world of pure nature on which practice has not yet started to work. And the same is true

⁴⁴ Lock, Andrew, and Charles R. Peters. 1996. Handbook of Human Symbolic Evolution. Clarendon Press. 187-188.

of the subject. I discover who I am in and through the practices I engage in, and those practices are always ones that I find myself already engaged in, ones that have already made me into the person who I am. I have no access to some 'true self' that precedes the socially and linguistically organized practices in which I engage. Practices do not arise after the world and the self have been given and cannot be explained in terms of a world and a self in which practices have not yet taken place. Neither 'nature' nor the 'subject' then can serve as foundation for those practices, either in a moral or in a causal sense. I can no longer explain or justify my practices in terms of what the world (or nature) 'in itself' requires, any more than I can explain or justify them in terms of my own sovereign desires or thoughts. What I know of nature, and what I know of myself as well, I come to know only through my practices, and thus it makes no sense to appeal to a nature independent of those practices in order to guide them.⁴⁵

Vogel's anti-dogmatic assertions against the separation of the natural and the artificial is similarly refutable as Ingold's dogmatic assertion in support of it. For although there is a certain sense that we humans may be blind to the truth, there is also a sense in which we are able to see. Our vision, for those of us who enjoy this sense, allows us to see the dawn and the dusk as the Earth rotates around its axis, its surface intermittently warmed and lit by the radiation of our nearest and yet unreachable star, the sun. Would I dare claim that these daily wonders are the makings of artifice, nature be damned? And what about the mingling of hydrogen and oxygen atoms to make water? Will I claim a human author to be the originator of that recipe? It seems wrong to me to make such claims, and it seems that a coherent definition of the concept of "nature" is not needed in order for me to do so.

The balanced reasonableness of these contradictory positions prevents us from abolishing the difference between the "artificial" and the "natural." They also prevent us from

⁴⁵ Vogel, Steven. 2016. *Thinking like a Mall: Environmental Philosophy after the End of Nature*. Cambridge, Massachusetts: MIT Press. 123.

absolutely affirming that such a difference exists. The dividing lines between the natural and the artificial, between the cognitive and the genetic, between mind and body, head and heart, cannot be logically determined, and so questions of technological division are laid open to the suspension of judgement.

Lines of lexicographic division

Another dearly held position of the dogmatists concerns lines of lexicographic division. For purposes of this discussion, lexicographic lines of division are those related to reading and writing. This is why Thomas Hobbes, in his famous quote from Leviathan, included the lack of “letters” in his long and disparaging list of inferior qualities associated with the state of nature. According to Hobbes,

In such condition, there is no place for industry; because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.⁴⁶

In fields like sociology, anthropology and linguistics, one finds the widely held dogma that some people and cultures used reading and writing systems, while other “pre-literate,” people do not. Our systems of government, bureaucracy and industry not only share this view, but also institute laws and regulations for maintaining written records used in decision-making. However, when

⁴⁶ Hobbes, Thomas, and J. C. A. Gaskin. 1998. Leviathan. Oxford World's Classics. Oxford ; New York: Oxford University Press. 84.

one attempts to define writing from non-writing and reading from non-reading, one finds that the criteria for such separations are locked in disagreement and ambiguity.

These lexicographic lines of division have played a major part in emphasizing divisions between the “Indian” and the “non-Indian,” as well as the “uncivilized” and the “civilized.” One widely held view holds that the “Indian” and the “uncivilized” lack the ability to read and write, while the “non-Indian” and the “civilized” possess this ability. Such language was precisely why tribes like the Cherokee, who developed agricultural practices and a system of writing in order to improve relations with colonial Americans, were called “Civilized Tribes.” Despite their efforts, the literacy of these Indians was not enough to grant them equal standing under the law. According to such a view, no matter how “civilized” an Indian may be, their “Indianness” bars them from full participation as citizens. According to Berkhofer,

In that portion of his first annual message to Congress on December 28, 1830, discussing “the condition and ulterior destiny of the Indian tribes within the limits of some of our states,” [Andrew Jackson] denied the “pretences” of the Cherokees to an independent government in favor of Georgia’s sovereignty and requested that Congress pass a law setting apart lands west of the Mississippi outside the limits of any state or territory “to be guaranteed to the Indian tribes as long as they shall occupy it,” where the “benevolent may endeavor to teach them the arts of civilization, and by promoting union and harmony among them, to raise up an interesting common-wealth, destined to perpetuate the race and to attest to the humanity and justice of this government.”

Through the use of the wild and dying Indian images, Jackson justified the removal of the acculturated Cherokees as well as other tribes from the lands they farmed to “wild” lands in the West—all in the name of eventually civilizing them. No matter how inapplicable in this case, traditional Indian imagery rationalized the needs of the United States in the continued push of Native Americans from lands desired by Whites.⁴⁷

⁴⁷ Berkhofer 1979, 160.

Furthermore, within this view is a belief that there is a great difference between textual documentation of the past and artifactual evidence of the past. According to this view, the word “History” does not correspond to the entirety of the past, but instead is construed as a written, narrative record of selected events organized not only chronologically but also according to impact and importance. These views rest entirely on the assumption that writing is somehow distinct from non-writing.

However, the history of writing demonstrates that this difference is subject to an immense diversity of interpretations, and that there exists no absolute criterion that separates writing from non-writing. In Archaic Bookkeeping, Sumeriologists Hans Nissen, Peter Damerow and Robert Englund write,

The earliest true script in man's history emerged at the end of the fourth millennium B.C. in ancient Babylonia, the southern part of today's Iraq. The signs of this script were impressed with the aid of a stylus into the still soft surface of clay tablets. Such clay tablets hardened almost immediately in the dry and hot climate of that part of the world. As a result of this hardening, and because such lumps of clay could not be reused, these documents from early Babylonia survived in great numbers. The early script developed into the better-known "cuneiform," the hallmark of Babylonian history and culture; hence the name “proto-cuneiform” for the archaic script.⁴⁸

It may seem straightforward to recognize that these collections of signs imprinted upon wet clay represent the earliest forms of writing. However, the test for writing becomes much less clear when we consider that all kinds of “signs” can be imprinted in a similar fashion. Consider the example of a fawn crossing a muddy stream bank, leaving its “signs” just as Sumerians did. These prints are not only “written,” but they are also “read,” by a mountain lion in search of prey. It can be further argued that all animals must “read” their environment for “signs,” of sustenance, and that all of these animals leave some trace or “sign” that is “written” into the landscape.

⁴⁸ Nissen, Damerow, and Englund 1993, ix.

One might argue that there are many more differences to distinguish the signs of writing and reading from the signs of other animals. For instance, one might say that writing is more specifically representational, that is more consciously deliberate and that it is more complex because it requires the expression of thoughts and ideas. But these arguments are roughly the same as those concerned with the divide between the “natural” and the “artificial” analyzed in the earlier discussion on lines of technological division, and their absurdity has already been established.

Having shown that it is equally plausible to argue that reading and writing are limited abilities possessed only by some people and cultures, and that reading and writing are so common that every animal, including every human being, must be able to read and write in order to survive, the logical lines of lexigraphic division are no longer discernible, allowing for the suspension of judgement and the continuation of investigation on the matter.

There are further aspects of literacy to be discussed concerning the possible qualitative difference between non-Indian and Indian culture. It is commonly assumed in mainstream, non-Indian society, that literacy is its great cultural torch, lighting the way through the dark night of ignorance. As George Washington once said, “To encourage literature and the arts is a duty which every good citizen owes to his country.” However, it can also be argued that the literacy of the West is not only a literacy which creates libraries, but also a literacy which obliterates them. This is because the newcomers to the continent did not perceive the hills, forests and mountains of this place as the vessels of vast histories. This land literacy is the subject of Keith Basso’s Wisdom Sits in Places, where he writes,

Speaking to [Apache] people like Nick Thompson and Ronnie Lupe, to Annie Peaches and Benson Lewis, one forms the impression that Apaches view the landscape as a repository of distilled wisdom, a stern but benevolent keeper of tradition, an ever vigilantly in the efforts of individuals and whole communities to maintain a set of standards for social living that is uniquely and distinctly their own. In the world that the Western

Apaches have constituted for themselves, features of the landscape have become symbols of and for this way of living, the symbols of a culture and the enduring moral character of its people.⁴⁹

Excluding those anthropologists and scholars like Basso, this form of literary work remains largely unrecognizable, much less acknowledged or acclaimed, by non-Indian people. They could not, in the past or in the present, imagine that the geniuses of the first peoples here had chosen the land itself as the preferred media of communication, as opposed to paper, or wood, or steel. Basso recognizes and criticizes this ignorance.⁵⁰

What has been ignored, in other words, are the cultural instruments with which American Indians fashion understandings of their environments, the ideational resources with which they constitute their surroundings and invest them with value and significance. Some readers will argue that this point is pure romanticism. I am sympathetic to this criticism, but only as far as it is fairly applied to both sides. Accordingly I can admit that this broad interpretation of Indian literacy is romantic, as long as its critics will also acknowledge that their interpretative belief in the unassailable, eternal and absolute benefits of reading and writing in the Western tradition is just as propped up by romanticism, since it praises its benefits without recognizing its harms. If both of these interpretations are true, we see that the literacy of the Western world, not only produces books, libraries and great storehouses of knowledge - but in doing so it destroys the great storehouses of knowledge already in the pre-existing environment.

Similarly, the literacy of the Indian, is not always an orderly one, since it too possesses forces of destruction capable of tremendous disruption and harm. With respect to all the evidence and reasons that support the continuation of the Western tradition asserted by non-Indian society, the development of nuclear weapons and nuclear technology capable of

⁴⁹ Basso, Keith H. 1996. *Wisdom Sits in Places: Landscape and Language among the Western Apache*. Albuquerque: University of New Mexico Press. 46-47.

⁵⁰ Basso 1996, 66.

destroying human life and other living systems that support it is so threatening, damning, irresponsible and inhuman, that if we see its presence or even its potential in the Indian society, then we would be without the criteria to determine whether they are Indian or non-Indian. So we must ask ourselves, “Does the Indian society contain such an element?” Here too we encounter a contradiction. For if all humans are the descendents of hunting and gathering people, who are Indian, these will include those seemingly estranged hunter-gatherers, Robert Oppenheimer and Albert Einstein, whose hunt for scientific knowledge led them to the discovery of the power to destroy the entire community of human life on earth, and whose weapons relied on uranium ore gathered from land reserved to the Navajo people.⁵¹

This merger of the so-called “savage” and the so-called “sophisticated” is not a unique or original thought, and it is quite similar to the image at the introduction of Stanley Kubrick’s 1968 film, *2001: A Space Odyssey*, in which shattered bones of primitive toolmaking primates are juxtaposed by the technological marvel of a space station, which happens to be bone-shaped. There is a presumed separation between these: one higher and one lower, and yet both are explorations of the known world; the former could be seen as a point of logical origin, while the latter could be seen as a point of logical extreme. Accordingly, the categorical line separating the search of an ancient hunter and the research of a modern scientist cannot be logically determined.

This idea also appears in Ceremony, the sprawling novel of the Kawaika storyteller and writer, Leslie Marmon Silko. In the story, Old Betonie is a “half-breed” Navajo medicine man charged with helping a fellow mixed-blood, Tayo, who has returned from World War II. Tayo wonders if Indian traditions can heal the wounds brought by non-Indians, and whether they have any power left at all. Silko writes,

⁵¹ Powell, Dana E. 2018. Landscapes of Power: Politics of Energy in the Navajo Nation. New Ecologies for the Twenty-First Century. Durham: Duke University Press.

The old man shook his head. “That is the trickery of the witchcraft,” he said. “They want us to believe all evil resides with white people. Then we will look no further to see what is really happening. They want us to separate ourselves from white people, to be ignorant and helpless as we watch our own destruction. But white people are only tools that the witchery manipulates; and I tell you, we can deal with white people, with their machines and their beliefs. We can because we invented white people; it was Indian witchery that made white people in the first place. Long time ago in the beginning there were no white people in this world. There was nothing European. And this world might have gone on like that except for one thing: witchery. This world was already complete even without white people. There was everything including witchery. Then it happened. These witch people got together.”⁵²

Stories like Ceremony and “2001” serve to demonstrate that the lines separating the primordial and the advanced are subject to interpretation. What we consider to be “Indian” or “human” or even “primate” cannot be teased apart from what we consider “non-Indian” or “inhuman” or “mechanical.” These concepts are tangled in contradiction, and this allows us to suspend judgement on these matters as we continue in our search for the truth.

Lines of demographic division

The complex of technological, historical, geographic and societal lines of division advanced by the Dogmatists has led them to assert further that there exist lines of demographic division which separate populations. Sociologist Gerhard Lenski in his book Ecological-Evolutionary Theory writes,

⁵² Silko, Leslie Marmon. 2006. Ceremony. Penguin Classics Deluxe Edition. New York: Penguin Books. 132.

Ecological-evolutionary theory is concerned with sets of societies as well as individual societies. Most of these sets are analytical constructs, such as modern industrial societies, agrarian societies, and hunting and gathering societies. One set, however, is an entity in its own right, a system of interactive parts: This is the global system of societies, which consists of the totality of human societies.⁵³

According to these arguments, members of a society are simultaneously members of a categorical subset, as well as members of a global set. If subset groups are not global groups, and global groups are not subset groups, then the laws of identity and non-contradiction may still apply. However, once we entertain the idea that the individual is both a member of a subset and a member of a non-subset, as well as the member of a global set and a member of a non-global set, the law of the excluded middle is broken.

Another writer, Immanuel Wallerstein, offers a similar synthesis of these ideas in his, "World Systems Analysis: An Introduction," where he writes,

World-systems analysis meant first of all the substitution of a unit of analysis called the "world-system" for the standard unit of analysis, which was the national state. On the whole, historians had been analyzing national histories, economists national economies, political scientists national political structures, and sociologists national societies.

World-systems analysts raised a skeptical eyebrow, questioning whether any of these objects of study really existed, and in any case whether they were the most useful loci of analysis. Instead of national states as the object of study, they substituted "historical systems" which, it was argued, had existed up to now in only three variants:

minisystems; and "world-systems" of two kinds-world economies and world-empires.

According to Wallerstein's logic, the construction and recognition of "world-systems" consists in the construction and recognition of "minisystems."

⁵³ Lenski, Gerhard. 2013.19.

Though reasonable on the surface, both Lenski and Wallerstein's arguments violate the laws of thought needed in order to advance logical arguments. Bertrand Russell referred to this form of logical fallacy as the Vicious Circle Principle. According to Russell, no logical collection can contain members defined in terms of itself.⁵⁴ The categories of Wallerstein's "systems" and Lenski's "societies" are entirely composed of other systems and societies, so that individuals are simultaneously representatives of and not representatives of a category. A similar rupture of the Vicious Circle Principle is found in the Buddhist literature of Dogen, who said, "In this world, there are millions of objects and each one is, respectively, the entire world."⁵⁵ However true or meaningful statements like Lenski's, Wallerstein's and Dogen's may seem, their meanings do not conform to the constraints of logic. Their apparent truth does not amount to logical proof.

This brings us to consider another "great dichotomy," to borrow Gould's phrasing, which is the "many" and the "one." In American life, this dichotomy is expressed on our currency with the latin phrase, "e pluribus unum," out of many-one. But here again we must face equally plausible and perfectly opposing arguments, like "e unum pluribus." So although American culture seeks to make the connection that out of many individuals, a single nation is formed, one might argue scientifically that a singular event, The Big Bang, created the many diverse constituent parts of the universe, including different people. So which is it? Does the many make the one or does the one make the many?

Here is another example, every child has an innate sense that the dear ones of a family are those closest to them, and that there also exist strange "others," lesser known and much less dear, who are not among the members of his or her group. And yet this sense is challenged when the child is faced with the situation in which he is cast in the role of a stranger in his interaction with other groups of which he is not assumed to be a part. Here we find an

⁵⁴ Rescher, Nicholas. 2001. Paradoxes: Their Roots, Range, and Resolution. 2. print. Chicago, Ill.: Open Court. xxiii.

⁵⁵ Griffiths, Jay. 2004. A Sideways Look At Time. New York: Jeremy P. Tarcher/Penguin. 34.

absurdity, for the person that one can attest is the dearest and closest to us is our self, and yet, when faced with groups of “others”, one feels that one’s self is a stranger in this circumstance.

Two important questions follow from this. First, is an identity determined by the self or is an identity determined by others? On the one hand, if our identities are self-determined then demographic counts of individuals can be logically grounded by those who assert their identity and assent to be counted accordingly. On the other hand, if our identities are determined by others outside of the self, then there exist no logical grounds for counting individual human beings according to identity as a basis for demography, since the individual self and the label generated by others to describe it would be entirely separate. Second, is an identity a fixed position or is an identity capable of flux? On the one hand, if our identities are fixed, they will be unable to account for the paradoxical character of the human being as an individual and as offspring, making the logical subject of the human being so complex that it cannot be ascertained to be counted. On the other hand, if our identities are in flux then we may have no means of knowing from moment to moment whether the identities as counted are accurate, since they may be altered from moment to moment according to changing circumstances.

As a result of the equally logical and opposing answers to these questions, humanity can be interpreted as a plurality of different groups and as a single, unitary whole. In recognizing the inability of logical assertion to resolve such absurdity, the question of the one and the many is laid open and the skeptical responses of suspended judgment and ongoing investigation are accordingly upheld.

Lines of normative division

Considering that the categorical lines of division thus far covered have all been severed from logical resolution owing to the equal force of contradictory arguments, we similarly find that

assertions of normative divisions are mired in absurdity. For, although it is a routine event for us to reckon good from bad and right from wrong, when we attempt to express the rule by which right and wrong are to be determined, we find that such statements are immediately enjoined in controversy.

Those wishing to eliminate this controversy commonly revert back to rational argument and assertion in an attempt to transcend or to deny the absurdity of their position. Like the other lines of division, normative divisions are neither entirely possible nor entirely impossible. Thus there are some who follow the normative rules of conduct to great success, and many more who, though equally faithful, are faced with meager gains or tragic losses. As for scofflaws, there are many examples of people who suffer and people who thrive because they flouted the rules. Good and bad things happen to good and bad people. Though we lack the absolute criteria which might allow us to determine generally which is which, this does not prevent us from enacting laws and honoring customs which codify, to some extent, the rules of normative behavior, and which anticipate that these rules will be breached. Thus, the belief in expressed rules of normative conduct is based in reason, as well as in opinion. Each of these bases is logically valid and yet, when taken together, they are absurd, affording one the opportunity to suspend judgment on questions of normative division.

This normative judgement was among the most potent judgements used to delineate Indians from non-Indians in the early days of the American republic. After writing the lofty words, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness," Thomas Jefferson and the signers of the Declaration of Independence went on to aver that the King of England, "endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished

destruction of all ages, sexes and conditions.”⁵⁶ But, after decrying such mercilessness and wonton destruction by Indians, the people of the United States would go on to exhibit their own mercilessness and destructiveness toward them, wiping out entire communities, languages and ways of life by conquest, legalized theft, forced removal, and campaigns of assimilation and cultural genocide. Who, then, is the more ethically righteous, the more normatively sound; the Indian or the non-Indian? Here again we may suspend judgement as we continue to investigate the question.

⁵⁶ “Declaration of Independence: A Transcription.” 2015. National Archives. November 1, 2015. <https://www.archives.gov/founding-docs/declaration-transcript>.

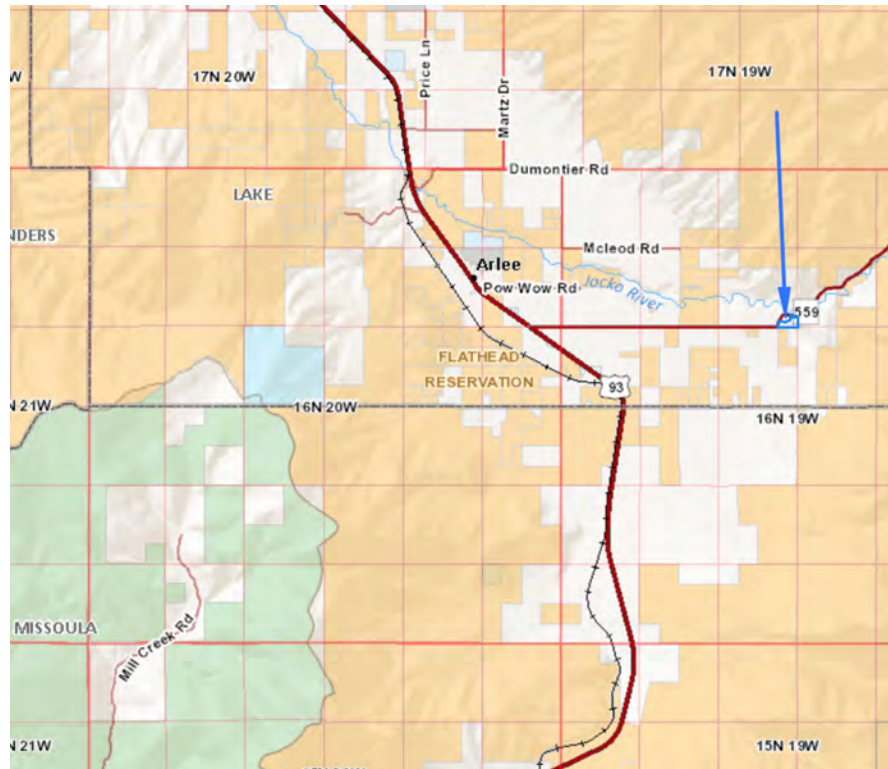
Part 4: Specific dialectical treatment



57

⁵⁷ Magritte, René. 1938. *Morning Star, L'étoile Du Matin*. Oil on canvas.
<http://www.sothebys.com/en/auctions/ecatalogue/2019/surrealist-art-evening-sale-l19003/lot.36.html?locale=en>.

In the following section I will apply arguments previously covered in the dialectical treatment in order to further interpret the lines of categorical division that affect me in the place where I currently live. My address is 73162 Blodgett, Ln. Arlee, MT, which I have pointed out with a blue arrow on the map below from the state of Montana's Cadastral Service.



The map shows that the land where I reside is within the Flathead Indian Reservation, and also within Lake County, Montana.

Strange logics are at work with respect to the systems of tenure that govern my location. For instance, the Flathead Reservation, which was established via treaty negotiations between Governor Isaac Stevens, a representative of the U.S. government, and the *sqelix^w* of the *seliš* and the *q̄lispé* as well as the *ktunaxn* of the *ksanka*. The *seliš* occupied the southern area of the reservation under the leadership of Chief Arlee after their removal by Presidential order from the Bitterroot Valley west of Missoula. The Hell Gate Treaty was signed in 1855, promising in Article 2 that the Flathead Reservation,

“shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said confederated tribes as an Indian reservation. Nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the confederated tribes, and the superintendent and agent.

And yet, here I am, a white man and a non-Indian living within the reservation borders without the permission of the tribes, the superintendent, or the agent. This might not have been possible without the terms of Article 6, which state that,

The President may from time to time, at his discretion, cause the whole, or such portion of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.⁵⁸

The statements of Article 6 created the legal affordances necessary for the Flathead Reservation to be subjected to policies of allotment, which carved up large, communally held reservation lands, and forced tribal people to occupy small, privately owned plots that were fractions of the size of the lands “set apart” under the original terms of the treaty. At the time of the treaty negotiation, the governor spoke and wrote in English, while the chiefs spoke in the languages of the seliš, q̓lispé and ktunaxn people.

If a treaty is a contract between parties who assent to mutually agreed upon terms, one can hardly call the Hell Gate document a treaty, since much of it was not understandable to the parties involved. Father Adrian Hoecken, a Jesuit Missionary serving the tribes who attended the council at Hell Gate wrote in a letter dated August 1, 1855,

⁵⁸ Bigart, Robert, ed. 1996. *In the Name of the Salish & Kootenai Nation: The 1855 Hell Gate Treaty and the Origin of the Flathead Indian Reservation*. Pablo, Mont: Salish Kootenai College Press. 14.

What a ridiculous tragi-comedy the whole council proved. It would take too long to write it all down—ah, well! Not a tenth of it was actually understood by either party, for Ben Kyser speaks Flathead very badly and is no better at translating into English. A treaty has been made or so they will say. The Indians would recount with some glee how they were spoken to at illogical cross-purposes to make a peace (chemtueg, as Ben put it). They ask: "What is the sense of making peace? Have we ever been at war with the Whites?" They all show their hands unstained by blood. The upshot of the whole matter, however, was that the governor wanted the Flatheads, the Pend d'Oreilles, the Kutenais, and the Kalispels in one place. Where, you ask? Absurdly enough, farther up the Flathead valley, some fifteen miles above the abandoned St. Mary's Mission.⁵⁹

This lack of understanding and agreement begs the question, why use a written treaty at all?

During the reign of Charles II, The English Common Law Court, of which the judicial system of the U.S. is an offshoot, began to require written documentation for certain agreements to be considered enforceable. Beginning on June 24, 1677 the "Act for prevention of Frauds and Perjuries [sic]," mandated that any contracts concerning the sale of land with no written evidence supporting them would be considered, "at Will onely [sic] and shall not either in Law or Equity be deemed or taken to have any other or greater force or effect." The reason given for the enactment of the rule was to prevent fraud and perjury, where claimants, defendants or jury members might fabricate oral testimony in order to ensure a result.

The law later became known simply as "The Statute of Frauds," an ironic title given the way that the terms of treaties between the U.S. and tribes were used as the basis for agreements which were neither fully understood, nor fully honored. Though an ardent believer in policies of assimilation and christianization, U.S. Colonel Richard Irving Dodge wrote in his 1883 memoir, in a chapter titled "Swindling and Robbing the Indians,"

⁵⁹ Bigart 1996, 142.

It would be out of place here to enter into an analysis of the steps by and through which the absurd "treaty system " was foisted upon, and, until very recently, acted upon as the basis of all governmental intercourse with the hundreds of petty Indian tribes which inhabit our wide country. I say absurd, for if we admit that they are so far independent states that their relations towards us must be regulated by treaty, we necessarily concede their sovereign right to make treaties with other nations. The mere statement of the case is sufficient demonstration of its absurdity, but the iniquities of the "system " warrant a much stronger adjective. Solemnly to "covenant and agree" to do that which we have no intention of doing, or which, with the best intent, we know is impossible to do, is criminal. In consideration of certain concessions of land, we "covenant and agree" to pay certain fixed annuities to the Indians, yet by negligence we connive at the sequestration of a large percentage of the money or goods. We "covenant and agree" to keep white men out of the limits of the new reservation, though we well know that a government constituted as ours, resting on a popular basis, and with a tide of immigration unparalleled in modern times, can by no possibility keep the faith of any such treaty.⁶⁰

The pattern outlined in Dodge's uncanny analysis of the absurdities of the treaty system fits the circumstances of the Hell Gate Treaty perfectly. The document begins with, "Articles of agreement and convention made and concluded at the treaty-ground at Hell Gate, in the Bitter Root Valley... It being understood and agreed that the said confederated tribes do hereby constitute a nation," and yet also stipulates in Article 8 that, "The aforesaid confederated tribes of Indians acknowledge their dependence upon the Government of the United States, and

⁶⁰ Dodge, Richard Irving. 1882. Our Wild Indians : Thirty-Three Years' Personal Experience among the Red Men of the Great West. A Popular Account of Their Social Life, Religion, Habits, Traits, Customs, Exploits, Etc. With Thrilling Adventures and Experiences on the Great Plains and in the Mountains of Our Wide Frontier. Hartford : A.D. Worthington and Company. 89.
<http://archive.org/details/Indiansourwildth00dodgrich>.

promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens.” Apart from the likely lack of understanding of the treaty’s terms, for the seliš, q̓lispé and ktunaxn people, the treaty created a legal absurdity by simultaneously recognizing the tribes as a distinct nation and as dependents of the United States. Under these terms, the indians present at the council represent both an independent nation and dependent nation, whose members understood parts and misunderstood parts of the Hell Gate document. Each of these statements is to some extent true, and when taken together, they are absurd.

In addition, a 17th century statute designed to prevent fraud, instead legalized a criminal act of theft, so that I, the non-Indian descendant of immigrants, has come to live within the boundaries of an Indian reservation as a “born American,” and a “lawful citizen” of the United States. Separately, these terms make sense, and yet when combined they result in absurdity. Accordingly, I am a “Lawful criminal,” and a “Native-born immigrant,” in the political history of the United States. The equal validity of each of these contradictory statements allows me to suspend judgment, neither affirming or denying that the positions of the Indian or the non-Indian can be logically determined.

Part V Conclusion - Freedom from disturbance - Identity without provable category



61

⁶¹ Magritte, René. 1937. 'The Future of Statues.' Oil, plaster. Tate.
<https://www.tate.org.uk/art/artworks/magritte-the-future-of-statues-t03258>.

Since the founding of the U.S., Americans from various walks of life: have tended to advance ideas by couching them in some form of logical argument. "The best thing to do is x, because of y." These arguments can be simple, or complicated, but they are forms of argument. Such arguments are continuations of a very long line of political, social and scientific discourse which resulted in the widely held belief that identities are generally real, definable, absolute and fixed.

In this cultural pattern, the goal of debate has been winning, rather than learning. Instead of enjoying a system that liberates, Americans are straight-jacketed by ceaseless gainsaying of assertion and counter-assertion. Accordingly, our debates play out as zero-sum, winner-take-all contests, in which one side only gains ground at the expense of another. Part of the history of this debate included a zero-sum contest over the land of the continental U.S., and who should be called its rightful owner and occupier. European immigrants of various national and political stripes, Spanish, French, English, Loyalist, Patriots, Liberal, Conservative went to war over which party would gain the right to discover Indian land and conquer Indian societies.

Roughly a century after Jefferson described in Indians in the Declaration of Independence as " ...merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.", Henry Amasa Walker, Commissioner of the Indian Department, the author of the first statistical atlas of the U.S. census, and later the third president of the Massachusetts Institute of Technology wrote this on the relationship between Indian and non-Indian people in an official government report.

No one certainly will rejoice more heartily than the present Commissioner when the Indians of this country cease to be in a position to dictate, in any form or degree, to the Government; when, in fact, the last hostile tribe becomes reduced to the condition of suppliants for charity. This is, indeed, the only hope of salvation for the aborigines of the

continent. If they stand up against the progress of civilization and industry, they must be relentlessly crushed. The westward course of population is neither to be denied nor delayed for the sake of all the Indians that ever called this country their home. They must yield or perish; and there is something that savors of providential mercy in the rapidity with which their fate advances upon them, leaving them scarcely the chance to resist before they shall be surrounded and disarmed. It is not feebly and futilely (to attempt to stay this tide, whose depth and strength can hardly be measured, but to snatch the remnants of the Indian race from destruction from before it, that the friends of humanity should exert themselves in this juncture, and lose no time. And it is because the present system allows the freest extension of settlement and industry possible under the circumstances, while affording space and time for human endeavors to rescue the Indian tribes from a position altogether barbarous and incompatible with civilization and social progress, that this system must be approved by all enlightened citizens...

Had the settlements of the United States not been extended beyond the frontier of 1867, all the Indians of the continent would to the end of time have found upon the plains an inexhaustible supply of food and clothing. Were the westward course of population to be stayed at the barriers of to-day, notwithstanding the tremendous () inroads made upon their hunting grounds since 1867, the Indians would still have hope of life. But another such five years will see the Indians of Dakota and Montana as poor as the Indians of Nevada and Southern California; that is, reduced to an habitual condition of suffering from want of food. The freedom of expansion which is working these results is to us of incalculable value. To the Indian it is of incalculable loss. Every years advance of our frontier takes in a territory as large as some of the Kingdoms of Europe. We are richer by hundreds of millions; the Indian is poorer by a large part of the little that he has. This growth is bringing imperial greatness to the nation; to the Indian it brings wretchedness, destitution beggary.

Surely there is obligation found in considerations like these, requiring us in some way, and in the best way, to make good to these original owners of the soil the loss by which we so greatly gain. Can any principle of national morality be clearer than that, when the expansion and development of a civilized race involve the rapid destruction of the only means of subsistence possessed by the members of a less fortunate race, the higher is bound as of simple right to provide for the lower some substitute for the means of subsistence which it has destroyed. That substitute is, of course, best realized, not by systematic gratuities of food and clothing continued beyond the present emergency, but by diverting these people to new pursuits which shall be consistent with the progress of civilization upon the continent; helping them over the first rough places on "the white man's road," and, meanwhile, supplying such subsistence as is absolutely necessary during the period of initiation and experiment.⁶²

Walker's words were not hot air or bluster, but influential statements that drove the policies of the U.S. government to exert power over Indian people. This relationship is what the Supreme Court Justices were referring to when they wrote about the "assumption of a "guardian-ward" status," in *Morton v. Mancari*. But, however powerful and forceful such words may be, there remains the problem of logically separating the Indian from the non-Indian and the civilized from the uncivilized apart from the act of domination.

I have shown in the general treatment that any argument asserting a separation between the Indian and the non-Indian that is based on society, geography, history, technology, writing, demography or morality can be contradicted. I have shown in the specific treatment how in my own local case, neither Indian treaties nor non-Indian property rights have a definable standard upon which their legality can be logically proved.

Walker's argument may be further reduced as the claim that non-Indians dominate their Indian "others", and that is what makes them Indian. However, this too is illogical, since the act

⁶² Report of Commissioner Francis A. Walker to C. Delano, Secretary of the Interior, November 1, 1872.

of domination must presume the other in order to go about dominating them, and thereafter creating them. Walker might argue that the “otherness” of Indians is presumed because it is a fact. But Edward Said, Thomas McEvilley and Robert Berkoff argue that the otherness of Indians is an imaginary difference reinforced through violence. When we consider the equal validity of these views, we find that the difference between Indians and non-Indians cannot be logically determined.

The logical indeterminacy of these two identities has the potential to be of great consequence in the lives of Americans. If we cannot determine who is Indian and who is not, entire, histories, institutions, systems of law and property and political geographies begin to lose their definition. We cannot prove who is the “guardian,” and who is the “ward.” If we do not know who is Indian and who is non-Indian, nor who is civilized or uncivilized, then we will not prove if we are “richer by hundreds of millions,” or if we are “poorer by a large part of the little that we have.” We will not prove whether we are the beneficiaries of the progress of civilization and industry, or those to be crushed by its expansion. Neither will we prove, who holds title or who is dispossessed. We will not prove that one wins or that another loses. We will not prove whether we are dominating a lesser “other,” or whether we might be harming our fellow human beings.

These logical limitations lead to a fundamental question of citizenship and identity. Can I, or anyone, be proved to be an American, a citizen of the United States? For this question too one may suspend judgement, neither assenting or dissenting, as one continues to live and search for the truth.

Postface

I am most grateful to my graduate committee, Bob Baker, Rich Clow and Douglas MacDonald, for their support of this study. Bob has been a very capable editor, and an even better listener throughout my meandering, wandering process of research. Rich has been a most helpful guide to materials and sources by and about American Indians. I am also grateful to Professor Neyooxet Greymorning, who “came to my defense,” and offered some probing questions.

Following the defense, Rich Clow asked that I look into Keith Basso’s book, “Portraits of the Whiteman: Linguistic play and cultural symbols among the Western Apache.” In that book, Basso describes instances where Apaches, who would normally speak and act in a manner “guided” by Apache values and style, suddenly become erect, loud, English-speaking bullies. Here’s one example:

K: haayo makashi nanałtse? (‘Where are the cattle’?)

J: goshtlʔish bitoo bishaayo nanałtse? (‘They’re near Mud Springs’,)

K: ʔaa. (‘Yes’,)

[J starts to speak again but is interrupted by a knock on the door. He rises, answers the knock, and finds L stand-ing outside.]

J: Hello, my friend! How you doing? How you feeling,

L? You feeling good?

[J now turns in the direction of K and addresses her.]

J: Look who here, everybody! Look who just come in.

Sure, it’s my Indian friend, L. Pretty good all right!

[J slaps L on the shoulder and, looking him directly in the eyes, seizes his hand and pumps it wildly up and down.]

J: Come right in, my friend! Don't stay outside in the rain. Better you come in right now. [J now drapes his arm around L's shoulder and moves him in the direction of a chair.]

J: Sit down! Sit right down! Take your loads off you ass. You hungry? You want some beer? Maybe you want some wine? You want crackers? Bread? You want some sandwich? How 'bout it? You hungry? I don't know. Maybe you get sick. Maybe you don't eat again long time.

[K has stopped washing dishes and is looking on with amusement. L has seated himself and has a look of bemused resignation on his face.

J: You sure looking good to me, L. You looking pretty fat! Pretty good all right! You got new boots? Where you buy them? Sure pretty good boots! I glad . . .

[At this point, J breaks into laughter. K joins in. L shakes his head and smiles. The joke is over.]

K: indaa? Dogoyaada ('Whitemen are stupid!') (Basso 46-47)

Rich's first thought was that Basso's book might serve as a counterpart to Berkhofer's "The White Man's Indian," an idea I also entertained. I am very grateful to Rich for the suggestion, but the idea that White determinations about Indians and non-Indians are comparable to the joking imitations and mockeries that Indians make of Whites is unjust. No matter how probing and incisive the Apache mockeries of Whites may be, they are never seriously held, logically based assertions made about Whites. They are more like little plays or vignettes than they are arguments. These imitations may have some effect on tribal decision-making and official policies between Indians and whites, but these effects are much less directly tied to logical arguments than, for instance, the effects of Henry Amasa Walker and his statements about

Indians. Although the Apache labeled K in Basso's dialog comes to the conclusion that "Whitemen are stupid," he does so in an unofficial setting, unlike Walker's assertions, which appear in an official, public report of the government.

One might argue that, although these means differ, their effects are quite comparable. Whether one is a Chief Justice of the Supreme Court or a Chief of a band of Apache, these leaders make decisions about identity, citizenship, rights, etc. in carrying out the duties associated with such roles. This is a very reasonable argument, and it allows us to entertain the idea that the "Whiteman's Indian" and "Portraits of the Whiteman," may be comparable after all.

However, Basso's Apache consultants provide a kind of meta-ethics about jokes and mockery that is critically important to this study, because it shows the ways that Apache culture has intuited something like the practices of the Pyrrhonian skeptics. Basso's description is so important, that I have quoted it at some considerable length. He writes,

The social significance Western Apaches attach to joking is commonly discussed by them in terms of a traditional analogy that likens the development of solidarity in interpersonal relationships to the process by which 'deerhides' are fashioned into pieces of fine 'buckskin.' Let us proceed, then, by describing this analogy and examining some of its implications. The basic premise is as follows: interpersonal relationships, like untanned hides, are initially 'stiff' and therefore of little practical value; consequently, they must be gradually worked through successive stages of increasing pliability until, having become fully 'soft', they become useful as well and can be counted on, given proper care and attention, to soften even further and become more useful still. Persons with 'stiff' relationships are typically those who have met only recently and, being anxious not to offend each other, behave with cautious formality and studied respect. This is as it should be, Apaches point out, because 'stiff' relationships, like untanned hides, can be easily 'cracked' and are frequently difficult to mend. At the other extreme, individuals who enjoy 'soft' relationships are those who have known each other for long periods of

time, who have established sound bonds of mutual confidence and affection, and who, knowing this, feel free to take certain liberties which, in the context of less mature relationships, would be presumptuous and discourteous. This, too, is fitting, for although 'soft' relationships, like supple buckskins, are vulnerable to 'tears', they can usually be mended without excessive effort. In short, softness imparts resiliency and strength. And so it has been for quite some time...

One of my consultants, a man from Cibecue in his late fifties, said this:

A long time ago - they still made lots of buckskins then - when the women were making it, they talked to their children. "You see this deerhide?" they said. "Right now it's no good. Look at it - too stiff. I can't use it. That's why I'm going to make buckskin, so it will get soft. Maybe it's going to take a long time. I don't know. I'm going to start out real easy on it. If I don't go easy on it, maybe it's going to split itself." That's how those women would talk to their children. "Same way it is with people around here," they said. "With them, it's like this deerhide - too stiff. Don't count on these people right away, even your own young relatives. Maybe they won't want to help you. So you got to work on them like I'm working on this dried-up deerhide. Then it's going to get soft and strong between you. Go easy when you start out. Don't talk smart. Don't ask for any thing. Just talk good. That's the right way. Then, after a while you can start to fool around. Then it don't matter too much. It's like pulling on some buckskin - you do that and you just make it softer." That's how those old women used to talk. Not many make buckskins now, but it don't matter. What they said was good, so we keep on saying it.

Expanding on their analogy, Apaches assert that joking is one means of stretching relationships, a playful device for testing, and affirming solidarity by ostensibly denying it. However, they are quick to observe that for this very reason - that jokes are not what they seem, that they are 'bad words' in humorous disguise - joking can also accomplish the opposite effect; it can 'tear' relationships as well. For however amusing a

joke may be, it is always amusing at someone's expense; and therefore, unless jokers are careful to keep their bogus slurs and criticisms within properly playful limits, their actions may be interpreted as veiled expressions of genuine hostility. In short, there is always a possibility that persons who appear to be joking may not be joking at all, and this is why, as mentioned earlier, Apaches claim that joking can be 'dangerous.'

Another consultant from Cibecue commented on this point in greater detail:

Some people hide behind their joking. Some talk bad right to your face and try to get away with it. Some-times, like when they drink too much, you just don't know. You just can't tell for sure. Maybe they just pretend they joking. That's when some people get mad. "Come out or don't say nothing to me!" That's why you just got to go easy on it. You don't go easy and somebody's going to get mad. That's danger, right there.

At this point, it might appear as if the paradox inherent in joking behavior causes the buckskin analogy to break down. After all, how is it that an activity that functions to affirm solidarity can also function to weaken it? Apaches maintain that the answer is simple and non-contradictory. Just as the worker of deerhides should not attempt to hasten the tanning process by taking shortcuts or leaving out essential steps, so should the parties to freshly founded social relationships allow ample time to pass before they start to joke. For it is perfectly evident, Apaches contend, that 'stiff' relationships are less amenable to 'stretching' than those that have been partially 'softened', and therefore it follows necessarily that mock insults are more apt to produce 'tears' in the former than in the latter. In other words, joking is more likely to arouse suspicion and resentment during the formative stages of a relationship than it is later on when solidarity has been firmly established. And since Apaches hold that true solidarity does not develop rapidly, it stands to reason that joking is best postponed until less precipitous means of testing it have been tried and proved effective. Men, like buckskins, cannot be rushed into softness. (Basso 67-70)

The Apache method of joking to improve relations, and its analog of stretching stiff hides to soften them, is comparable to the Pyrrhonian method of entertaining contradictory assertions in order to cure the rashness and self conceit of dogmatists. Many of the same attributes that skeptics use to describe the dogmatists are shared by the Apache in their descriptions of Whites (see Basso 58 for a full explanation of this.)

In Apache society, the educational opportunity to learn this lesson was once available to very young children and was later practiced throughout the adult lives of Apaches who used this metaphor to help strengthen their relationships and their communities. I am very grateful for my job at seliš ksanka snactqeymintn í xʷeyʔilqsalq, where on the day I am writing this, I can look out the window of my office and see a student with hide draped over a pole, scraping its surface, following the old method of making buckskin. At the same time, I am quite sad and worried that this lesson is learned too late, or not at all, by most children attending school in this country. More should be done to expand access to lessons like these.

Though a somewhat less interesting example of Apache mockery, my personal favorite of Basso's collection is the description of the "Whiteman" as "VISTA worker," that is Volunteers In Service to America, a government program for well-meaning college graduates. Basso writes, "The Whiteman' as VISTA worker was gushingly altruistic, hopelessly incompetent at simple manual tasks, and, for some reason I was never able to pin down, invariably out of breath." (Basso 79) I happen to have served as a VISTA worker on the Flathead Reservation, and I can tell you first-hand that I have personally been skewered by this mocking barb several times - especially when chopping wood, or setting up camp. I am not the least bit offended by it, and I am laughing out loud about it as I write this. I am happy to be ridiculed, because it affords me the opportunity to learn from people who care about me enough that they are willing to mock me for failings that are obvious to everyone but me. These jokes and jabs add another level of joy and appreciation for the practicing skeptic. Not only can the skeptics cure the anxiety and fear

they have for absurdity and uncertainty, but they can also forge deeper, more meaningful relationships with themselves and with others. In closing, I began this essay with a quote from Vine Deloria, Jr., and I would like to end it with another quote from Deloria that appears in "Portraits of the Whiteman."

When a people can laugh at themselves and others and hold all aspects of life together without letting anybody drive them to extremes, then it seems to me that people can survive.

Vine Deloria, Jr., Custer Died for Your Sins: An Indian Manifesto

Works cited

- Basso, Keith H. 1979. *Portraits of "the Whiteman": Linguistic Play and Cultural Symbols among the Western Apache*. Cambridge: Cambridge University Press.
- Basso, Keith H. 1996. *Wisdom Sits in Places: Landscape and Language among the Western Apache*. Albuquerque: University of New Mexico Press. 46-47.
- Berkhofer, Robert F. 1979. The White Man's Indian: Images of the American Indian, from Columbus to the Present. 1st Vintage Books ed. New York: Vintage Books.
- Bett, Richard Arnot Home. 2019. How to Be a Pyrrhonist: The Practice and Significance of Pyrrhonian Scepticism. 1 [edition]. New York: Cambridge University Press.
- Bigart, Robert, ed. 1996. In the Name of the Salish & Kootenai Nation: The 1855 Hell Gate Treaty and the Origin of the Flathead Indian Reservation. Pablo, Mont: Salish Kootenai College Press.
- Cauvin, Jacques. 2007. The Birth of the Gods and Origins Agriculture. 1 edition. Cambridge: Cambridge University Press. 151
- "Declaration of Independence: A Transcription." 2015. National Archives. November 1, 2015. <https://www.archives.gov/founding-docs/declaration-transcript>.
- Deloria, Vine, and James A. Clifton. 1992. "Comfortable Fictions and the Struggle for Turf." *American Indian Quarterly* 16 (3): 397. <https://doi.org/10.2307/1185800>.
- Diogenes Laertius, and Pamela Mensch. 2018. Lives of the Eminent Philosophers. New York: Oxford University Press.
- Dodge, Richard Irving. 1882. Our Wild Indians : Thirty-Three Years' Personal Experience among the Red Men of the Great West. A Popular Account of Their Social Life, Religion, Habits, Traits, Customs, Exploits, Etc. With Thrilling Adventures and Experiences on the Great Plains and in the Mountains of Our Wide Frontier. Hartford : A.D. Worthington and Company. <http://archive.org/details/Indiansourwildth00dodgrich>.

- Du Bois, William E. B., and Brent Hayes Edwards. 2007. The Souls of Black Folk. Oxford World's Classics. Oxford: Oxford Univ. Press.
- Escher, M.C. 1937. Metamorphosis I. Wood engraving. Cornelius Van S. Roosevelt Collection. National Gallery of Art. <https://www.nga.gov/collection/art-object-page.54211.html>.
- . 1955. Swans. Wood engraving. Cornelius Van S. Roosevelt Collection. National Gallery of Art. <https://www.nga.gov/collection/art-object-page.54266.html>.
- . 1957. Regular Division of the Plane III. Woodcut in red on wove paper. Cornelius Van S. Roosevelt Collection. National Gallery of Art. <https://www.nga.gov/collection/art-object-page.62790.html>.
- Gödel's Incompleteness Theorem - Numberphile. n.d. Accessed September 10, 2020. <https://www.youtube.com/watch?v=O4ndIDcDSGc>.
- Gould, Stephen Jay, and International Society for Science and Religion. 2007. Time's Arrow, Time's Cycle: Myth and Metaphor in the Discovery of Geological Time.
- Hodder, Ian. Entangled: An Archaeology of the Relationships between Humans and Things. Wiley-Blackwell, 2012. 195-196
- Ingold, Tim. The Appropriation of Nature: Essays on Human Ecology and Social Relations. Univ. Press, 1986.153.
- Kuzminski, Adrian. 2010. Pyrrhonism: How the Ancient Greeks Reinvented Buddhism. Lanham: Lexington Books : Rowman & Littlefield Publishers.
- Lenski, Gerhard. 2013. Ecological-Evolutionary Theory Principles and Applications. Boulder: Paradigm Publishers.
- Lock, Andrew, and Charles R. Peters. 1996. Handbook of Human Symbolic Evolution. Clarendon Press.
- Magritte, René. 1959. René Magritte, La Voix Du Sang (The Voice of Blood), 1959, Series 3, Lithograph (S). Original Color Lithograph.

<https://www.masterworksfineart.com/artists/rene-magritte/lithograph/la-voix-du-sang-the-voice-of-blood-1959-series-3/id/w-2874>.

———. 1937. 'The Future of Statues.' Oil, plaster. Tate.

<https://www.tate.org.uk/art/artworks/magritte-the-future-of-statues-t03258>.

———. 1938. L'étoile Du Mati. Oil on canvas.

<http://www.sothebys.com/en/auctions/ecatalogue/2019/surrealist-art-evening-sale-l19003/lot.36.html?locale=en>.

———. 1933. *Unexpected Answer, La Réponse Imprévue*. Oil, canvas. Magritte Museum, Brussels, Belgium. <https://www.wikiart.org/en/rene-magritte/unexpected-answer-1933>.

McEvelley, Thomas. 2002. The Shape of Ancient Thought: Comparative Studies in Greek and Indian Philosophies. New York: Allworth Press : School of Visual Arts.

"Morton v. Mancari, 417 U.S. 535 (1974)." n.d. Justia Law. Accessed September 16, 2020.

<https://supreme.justia.com/cases/federal/us/417/535/>.

Runciman, Steven. 1987. A History of the Crusades. Cambridge University Press.

Said, Edward W. 1979. Orientalism. 1st Vintage Books ed edition. New York: Vintage.

Sextus. 2000. Outlines of Pyrrhonism =: Pyrrōneiōn Hypotypōsēon. Translated by Robert Gregg Bury. Reprinted of the edition 1933. Sextus Empiricus, with an English translation by R.G. Bury; 1. Cambridge, Massachusetts London, England: Harvard University Press.

Silko, Leslie Marmon. 2006. Ceremony. Penguin Classics Deluxe Edition. New York: Penguin Books.

"Thomas McEvelley Speaks about The Shape of Ancient Thought " n.d. Vimeo. Accessed August 31, 2020. <https://vimeo.com/7078365>.

West, Jim. 2018. Point Of View | Jim West. Bronze. <https://jimwestsculptor.com/point-of-view/>.

